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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 2, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:00 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., and Officer Hession for the Police Department; Ms. Nancy Gin for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Executive Director Claire C. Pilcher.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests for Rehearing: There being no motion, Appeal Nos. 84-301, 84-303, 84-284, and V84-206 will not be reheard.

Appeals Nos. 84-286, 84-315, and 84-318 were continued to January 9, 1985.

Appeals Nos. V84-276 and V84-311 were continued to January 23, 1985.

APPEAL NO. 84-312

YURY TRUBNIKOV, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on December 11, 1984, for work done at 2204 Seventeenth Avenue.

The Department of Public Works was represented by Mr. Don Lim. He advised that the appellant had constructed interior partitions without a permit. The appellant spoke in his own behalf. The Board voted 5-0 to overrule the Department and reduce the penalty to $60.35, plus the regular fee of $60.35, for a total of $120.70 due to the Department.

APPEAL NO. 84-314

DENNIS AND DEBBIE KLEIN, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on December 13, 1984, for work done at 331 Detroit Street.

The Department of Public Works was represented by Mr. Don Lim. He stated that the work done without a permit consisted of the construction of a five room addition to the existing house. The appellants spoke in their own behalf. The Board voted 5-0 to overrule the Department and reduce the penalty to $588.55, plus the regular fee of $588.55, for a total of $1,177.10 due to the Department.

APPEAL NO. 84-313

VARNEY L. GLOWNER, dba "VARNEY'S CATERING TRUCK," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on December 10, 1984, of permit for mobile caterer (additional stop) at 201 Third Street.

Lawrence Wilson, Esq., and Officer Hession represented the Police Department. They were supported by the testimony of Mr. William Thorne, leasing agent for the 201 Third Street Building. The Department advised the Board that the appellant had a "construction permit" which entitled the appellant to service the stop during construction of the building. The building is completed and a restaurant located on the premises. The appellant and his son James spoke in their own behalf. The Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 84-309

CLEMENT C. MILLER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on December 7, 1984, of permit to alter a building at 3162-66 Clay Street.

Mr. Don Lim represented the Department of Public Works. He advised the Board that the appellant intended to remove an existing exit passageway wall to accommodate an additional parking space. The appellant, supported by his contractor, Mr. Peter Van Fleet, spoke in his own behalf. The Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 84-317

JEANNIE MASON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on December 7, 1984, to Carva Construction Company, permit to demolish a building at 863 Vallejo Street.

Thomas J. LaLanne, Esq., represented the appellant. He stated that the appellant was concerned that the demolition would endanger her property. The permit holder was represented by Owen O'Donnell, Esq. After the appeal was heard, Ms. Jan MacAllister asked that her opposition to the permit go on record. The Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. V84-311

STELLA H. BERRY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on November 9, 1984, of off-street parking variance sought for property at 3871 Twentieth Street.

Ms. Nancy Gin represented the Department of City Planning. Before she presented her case, Ms. Gin challenged the Board's jurisdiction, asserting that the appeal was not filed within the 10-day appeal period. The Board affirmed its jurisdiction. Ms. Gin advised the Board that the building contained an illegal unit, and that there was not the required parking to legalize the unit. The appellant, who was present, was represented by her daughter, Ms. Mary Ellen Campbell. Commissioner Engmann stated that he would visit the site on Tuesday, January 8, 1985, at 5:30 p.m. He asked that Ms. Gin and Mr. Lim make this visit with him. The case is continued for further hearing to January 23, 1985.

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APPEAL NO. V84-319

MARY JO WALKER, APPELLANT vs. ZONING ADMINISTRATOR, Respondent

Denial on October 9, 1984, of rear yard variance sought for property located at 608 Paris Street.

Prior to presenting her case, Ms. Gin challenged the Board's right to hear this matter as the appeal was not filed within the 10-day appeal period. The Board affirmed their right to take jurisdiction in the matter. Ms. Gin advised the Board that the appellant wished to legalize a tool shed in her back yard that was built without permit. The appellant spoke in her own behalf. The Board voted 5-0 to uphold the Zoning Administrator and deny the variance.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 7:00 p.m.

SPECIAL MEETING OF THE BOARD

On Wednesday, January 2, 1985, at 7 p.m., in Room 282 of City Hall, the Board met in Executive Session to discuss the process for selecting applicants to interview for the position of Executive Director.

Richard J. Guggenhime, President

Claire C. Pilcher Executive Director

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M I N U T E S
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 9, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:14 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Commissioner Jackson was absent.

Also present were Mr. Robert C. Levy, Superintendent of the Bureau of Building Inspection, and Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., and Officers Thomas O'Connor, Peter Dacre, Darcy L. Morimoto, and Daniel D. O'Shea for the Police Department; Officers Charles O'Farrell and Gary Meltser represented the Fire Department; Mr. Robert Passmore, Zoning Administrator, for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

Appeals Nos. 84-289, 84-290, 84-291, 84-326, and V84-310 were continued to January 23, 1985.

Appeal No. 84-321 was withdrawn prior to the hearing.

APPEAL NO. 84-315

THEATER ARTAUD, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on December 4, 1984, of permit to alter a building at 499 Alabama Street.

Mr. Robert C. Levy, Superintendent of the Bureau of Building Inspection, and Mr. Don Lim represented the Department of Public Works. They advised the Board that their major concern was that Theatre Artaud not exceed the occupant load of 435 people. Daniel Reidy, Esq., represented the appellant. He was supported by Architect Peter Van Dine and Mr. William B. Cook. The Board voted 4-0 to overrule the Department and grant the permit with the following stipulations: (1) no production shall be held in the theatre unless a temporary theatre permit is applied for and granted by the Fire Department for each separate production to be held in said theatre. Each permit application shall be accompanied by a floor plan of each production, which floor plan shall be drawn to scale. The number of occupants for any production shall not exceed the occupant load of 435. A notice stating the maximum number of occupants at 435 shall be conspicuously posted at the main entrance to said theatre at all times; (b) Theatre Artaud shall arrange and pay for the services of one (1) or more members of the San Francisco Fire Department to be on duty during each production whenever the Chief of Department or the Fire

APPEAL NO. 84-315 (Continued)

Marshal determines that such services are necessary or proper to prevent the creation of, or increase in, any fire hazard and to insure that the occupant load does not exceed 435; (c) if the San Francisco Fire Department determines that the occupant load of 435 has been exceeded, the theatre permit shall be subject to suspension or revocation; (d) the maximum occupant load of 435 shall be included as a term of Theatre Artaud's lease and shall bind all subsequent owners and lessees, and shall be included in any theatre booking contract; (e) a memorandum of this stipulation to the maximum occupant load of 435 shall be recorded as a deed restriction on the property.

APPEAL NO. 84-299

CHARLES A. THIELEN, et al., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 14, 1984, to Richard Jang, permit to alter a building at 2522 Thirty-eighth Avenue.

A site inspection was made on Tuesday, January 8, 1985, at 5:00 p.m. It was attended by President Guggenhime, Vice President Berg and Commissioner Engmann. Mr. Charles Thielen, the appellant, expressed the neighborhood concern that the proposed construction would diminish the living quality of the neighborhood and encourage commercial activity in the area, which is zoned RH-1. Mr. Peter Luke represented the permit holder, Mr. Richard Jang. Mr. Robert Passmore, Zoning Administrator, presented the case for the Department of City Planning. Mr. Don Lim spoke for the Department of Public Works. The Board voted 4-0 to overrule the Department and deny the permit. The Board noted that the permit holder may apply for a permit to build out 20 feet into the back yard.

APPEAL NO. 84-308

MANH THI NGUYEN, dba "SUZIE AND YVONNE"S MASSAGE," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on November 26, 1984, of permit for massage establishment at 1020 Geary Street.

Lawrence Wilson, Esq., and Officers Thomas O'Connor, Peter Dacre, Daniel O'Shea and Darcy Morimoto represented the Police Department. The Department had recommended revocation of the permit, citing prostitution activities. The appellant was represented by Gilbert Eisenberg, Esq., and Christopher Hall, Esq. The appellant spoke in her own behalf. The Board voted 2-2 to overrule the Department and reinstate the permit with stipulations. Four votes needed to overrule, the Department is upheld and the permit revoked.

APPEAL NO. 84-322

JUAN TORRES, JR., dba "EL TAPATIO," vs. POLICE DEPARTMENT, Respondent

Denial on December 17, 1984, of permits for Dance Hall Keepter and Place of Entertainment at 4742 Mission Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Department had recommended denial of the permits because of chronic police problems at the location, including excessive noise. Jorge C. De Quesada, Esq., represented the appellant, who also spoke in his own behalf. The Board voted 4-0 to overrule the Department and grant the permits with the following stipulations: (1) the days of operation will be Thursday, Friday, Saturday and Sunday from 6 p.m. to 2 a.m.; and (2) the permit will be valid for one year.

APPEAL NO. 84-286

MITCHELL L. MITCHELL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE PREVENTION BUREAU DISAPPROVAL

Denial on November 6, 1984, of permit to alter a building at 150 Powell Street.

Mr. Don Lim represented the Department of Public Works. He advised the Board that the appellant is appealing that section of the Code that specifically states that every corridor must be separated from any business and office occupancy with one-hour fire resistive construction. The appellant's architect, Donald Atkinson, stated that pending legislation awaiting the Mayor's signature would exempt the building from the one-hour fire resistive construction requirement. The Board voted 4-0 to overrule the Department and grant the permit with the stipulation that the proposed legislation must be signed by the Mayor, otherwise the decision is moot.

APPEAL NO. 84-318

JOSEPH AND CECILIA W. TSU, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Denial on December 10, 1984, of permit to alter a building at 6147 Geary Boulevard.

Mr. Don Lim represented the Department of Public Works. He advised the Board that the appellant was appealing the requirement which requires that in a Public Assembly structure the exterior walls of the structure must be of two-hour fire resistive construction. The appellants spoke in their own behalf. The Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 84-320

WILLIAM L. FERDON, III, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on December 17, 1984, of permit to alter a building at 2400 Bryant Street.

Mr. Don Lim spoke for the Department of Public Works, He advised the Board that the appellant proposed not to reinstall an improperly constructed stairway to a storage loft on the above premises. The appellant, Mr. William L. Ferdon, III, spoke in his own behalf. The Board voted 4-0 to overrule the Department and grant the permit.

APPEAL NO. 84-323

RICHARD W. BLANZ, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on December 28, 1984, of permit to alter a building at 1226 Church Street.

Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. He advised the Board that the appellant is requesting a variance to legalize solar collectors constructed without permit. These panels are presently installed and operating in the required rear yard which violates the Building Code. The appellant spoke in his own behalf. The Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 84-326

JUDITH DRUMMOND, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesing issuance on December 21, 1984, to Jack Robbins, permit to erect a structure at 6 Joy Street.

The appellant was represented by Mr. Tim Molinare. He advised that the appellant was concerned about the effect of the new buildings on the neighborhood as they do not address the problem of off-street parking. The permit holder, Mr. Jack Robbins, spoke in his own behalf. The case was continued to January 23, 1985, to give both sides time to explore the possibility of a settlement.

APPEAL NO. 84-310

BETTY B. BLOMBERG, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on November 27, 1984, to Mr. David Cincotta, rear yard variance sought for property at 2355 Washington Street.

Pamela Duffy, Esq., represented the appellant. She advised the Board that the variance was granted in error as none of the five requirements were met. She was supported by the testimony of Ms. Mary Haney, AIA. The permit holder, David Cincotta, Esq., spoke in his own behalf. He was supported by the testimony of Capt. W. T. Groner, Mr. Thomas Wiley and Mr. Jay P. Wertheim. The Board scheduled a site inspection for Tuesday, January 22, 1985, at 5:00 p.m. The case was continued to January 23, 1985.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 8:35 p.m.

SPECIAL MEETING OF THE BOARD

The Board met in closed session at 1 p.m., on Monday, January 7, 1985, in the offices of President Guggenhime, 44 Montgomery Street, 32nd Floor, for the purpose of discussing personnel matters.

SPECIAL MEETING OF THE BOARD

SITE INSPECTION TUESDAY, January 8, 1985, at 5:00 p.m., at 2522 Thirty-eighth Avenue, attended by President Guggenhime, Vice President Berg and Commissioner Engmann.

Richard J. Guggenhime, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 23, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:14 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., Captain William C. Scheffler, and Officers Daniel D. O'Shea and James Bosch for the Police Department; Mr. Robert Passmore, Zoning Administrator, for the Department of City Planning; Officer Gary Meltser representing the Fire Department; and Official Hearing Reporter, Doris Levine. Executive Director Claire C. Pilcher was absent.

Appeals Nos. 84-289, 84-290, 84-291, V84-276, V84-324, V84-327, and V84-011 were continued to January 30, 1985.

Appeals Nos. 84-325 and 85-010 were continued to February 13, 1985.

APPEAL NO. 84-326

JUDITH DRUMMOND, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 21, 1984, to Jack Robbins, permit to erect a structure at 6 Joy Street.

Mr. Tim A. Molinare represented the appellant. Mr. Jack Robbins spoke in his own behalf. The Board voted 5-0 to uphold the Department and grant the permit with the stipulation that the conditions outlined in the permit holder's letter, dated January 16, 1985, be adopted.

APPEAL NO. 85-005

ABEL P. PADILLA, Appellant vs. ARTS COMMISSION, Respondent

Revocation on January 7, 1985, of Street Artist's Certificate.

Mr. Howard Lazar, Director, Street Artists Program, advised the Board that charges of conducting business in a disorderly and improper manner were the basis for the revocation of the permit. He was supported by the testimony of Police Officer James Bosch, Ms. Zemma Meacham, and Mr. Norman R. Eriksen. The appellant, who spoke in his own behalf, was also represented by Harris E. Weinberg, Esq. The Board voted 5-0 to overrule the Department and reinstate the permit with the stipulation that the appellant's permit be suspended for a period of 60 days.

APPEAL NO.85-002

BOK SOON KINDRED, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on December 24, 1984, of masseuse permit.

Lawrence Wilson, Esq., and Officer Daniel D. O'Shea represented the Police Deptartment. They advised the Board that the appellant's citation as an inmate of a house of prostitution was the basis for the permit denial. The appellant was represented by Gilbert Eisenberg, Esq., and also spoke in her own behalf. The Board voted 5-0 to overrule the Department and grant the permit with the stipulation that the appellant be placed on probation for one year.

APPEAL NO. 85-008

LINDA HINES, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on January 3, 1985, of masseuse permit at 441 Stockton Street and 931 Kearny Street.

Lawrence Wilson, Esq., and Officer Daniel D. O'Shea represented the Police Department. They advised the Board that the appellant's record of prostitution had been the basis for the permit denial. The appellant was represented by Christopher Hall, Esq., and also spoke in her own behalf. The Board voted 4-1, Commissioner McCarthy dissenting, to uphold the Department and deny the permit.

APPEAL NO. 84-316

CARA E. CAMERON, dba "STUDIO WEST," vs. POLICE DEPARTMENT, Respondent
Appellant

Revocation on December 6, 1984, of permits for Cabaret, Dance Hall Keeper, and Place of Entertainment at 100 Vallejo Street.

Lawrence Wilson, Esq., and Captain William Scheffler represented the Police Department. They cited violations of the conditions previously imposed by the Board of Permit Appeals, adverse impact upon the surrounding neighborhood and chronic police problems of a severe nature as basis for the revocation of the permits. Representatives of the Westinghouse Broadcasting Company ran a video cassette tape which depicted activities around Studio West during its early morning hours of operation. Also in support of the Department's position were Paul Flum, Esq., Mr. Michael Luckoff, Mr. Len Spagnoletti and other neighbors of Studio West. The appellant, who spoke in her own behalf, was represented by Peter Goodman, Esq. The Board voted 4-1, with Commissioner Jackson dissenting, to uphold the Department and revoke the permit.

APPEAL NO. 85-012

GERARD FELICIANO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on January 16, 1985, for work done at 182 Fairmount Street.

Mr. Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of bathroom and family room addition and replacement of a porch and stairway. The appellant spoke in his own behalf. The Board voted 5-0 to overrule the Department and reduce the penalty to $60.35, plus the regular fee of $60.35, for a total of $120.70 due to the Department.

APPEAL NO. 85-004

PATRICK CONLON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on January 9, 1985, for work done at 60 Valley Street.

Mr. Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of rebuilding and repairing of rear stairs and decks. The appellant spoke in his own behalf. The Board voted 5-0 to overrule the Department and reduce the penalty to $147.05, plus the regular fee of $147.05, for a total of $294.10 due to the Department.

APPEAL NO. V84-310

BETTY B. BLOMBERG, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on November 27, 1984, to Mr. David Cincotta, rear yard variance sought for property at 2355 Washington Stteet.

On Tuesday, January 22, 1985, President Guggenhime, Vice President Berg and Commissioner Engmann conducted a site inspection of the above premises. Vice President Berg reported on the site inspection. Pamela Duffy, Esq., attorney for the appellant, and David Cincotta, Esq., the permit holder, responded to questions of the Board. The Board voted 3-2 to uphold the Department and grant the permit. Four votes needed to overrule, the Department is upheld and the variance granted.

APPEAL NO. 85-003

UNITED ARTISTS COMMUNICATIONS, INC. vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated December 24, 1984, for property at 1230 Van Ness Avenue.

Mr. Robert Passmore, the Zoning Administrator, advised the Board that the appellant had been ordered to cease showing of matinees during non-holiday weekdays as specified in decisions of the Planning Department and the Board of Permit Appeals. The appellant was represented by Pamela Duffy, Esq. The Board voted 5-0 to uphold the Order to Cease Violation of the Planning Code.

SPECIAL MEETING OF THE BOARD

SITE INSPECTION TUESDAY, January 22, 1985, at 5:00 p.m., at 2355 Washington Street, attended by President Guggenhime, Vice President Berg, and Commissioner Engmann.

SPECIAL MEETING OF THE BOARD

The Board met in closed session on Wednesday, January 16, 1985, at 6 p.m., in the offices of Vice President Berg, 10th Floor, 240 Stockton Street, concerning personnel matters.

Jerry E. Berg

Jerry E. Berg, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 30, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:14 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Richard J. Guggenhime

Commissioner Engmann was absent.

Appeals Nos. 85-014, 85-001, 82-059, 82-094, 82-095, 82-096, V84-324, V84-327, and V84-276 were continued to February 13, 1985.

APPEAL NO. 85-013

DANIEL G. BARRERA, dba "GREYHOUND FOOD," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on January 16, 1985, of permit for mechanical amusement devices at 36 Seventh Street.

Lawrence Wilson represented the Police Department. He advised the Board that these permits were disapproved as their issuance would violate that section of the Police Code that probibits an arcade within 1500 feet of another such establishment. The appellant spoke in his own behalf. The Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 84-291

LAKESIDE PROPERTY OWNER'S ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 2, 1984, to Chevron U.S.A., Incorporated, permit to demolish a structure at 1100 Junipero Serra Boulevard. APPLICATION NO. 8409478.

APPEAL NO. 84-289

LAKESIDE PROPERTY OWNER.S ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 2, 1984, to Chevron U.S.A., Incorporated, permit to erect a structure at 1100 Junipero Serra Boulevard. APPLICATION NO. 8409476.

APPEAL NO. 84-290

LAKESIDE PROPERTY OWNER'S ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 2, 1985, to Chevron U.S.A., Incorporated, permit to erect a structure at 1100 Junipero Serra Boulevard. APPLICATION NO. 8409477.

These three appeals were heard together, arguments being common to all. Bruce W. Lilienthal, Esq., represented the appellant. He advised the Board that the appellants were concerned that the exercise of the permits would deprive the neighborhood of the goods and services of the existing business and also result in the deterioration of the neighborhood environment. Mr. Leonard Lundgren, Mr. Charles Stern, and other neighbors spoke in support of the appellant. Pamela Strike, Esq., spoke for the permit holder. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit subject to the conditions contained in the agreement of January 16, 1985, with the stipulation that with respect to Item 3, the public restroom is to be constructed as a part of and attached to the cashier's kiosk.

APPEAL NO. V85-011

HARSH INVESTMENT CORPORATION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on January 5, 1985, to Tiffany Holdings Ltd., Rear Yard Variance sought for property at 665 Bush Street.

The appellant was represented by David P. Cincotta, Esq. He advised the Board that the five requirements necessary for the granting of a variance had not been met. He was supported by the testimony of Ms. Linda Chapman, representing the Nob Hill Neighbor's Association, and Mr. Grant DeHart of the San Francisco Heritage Association. Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. The permit holder, Vincent Tai, spoke in his own behalf and was represented by Gordon Lau, Esq, The Board voted 3-1, with Commissioner McCarthy dissenting, to uphold the Department and grant the permit.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:16 p.m.

Jerry E. Berg

Jerry E. Berg, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 13, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:09 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore, Zoning Administrator, for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Executive Director Robert H. Feldman.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests for Rehearing: There being no motion, Appeal Nos. 84-316, 85-008, and V84-310 will not be reheard.

Appeals Nos. V84-276, 85-009, 85-015, 85-016, 85-006, 85-007, 82-059, 82-094, 82-095, 82-096, were continued to March 6, 1985.

Appeals Nos. 85-001 and 85-020 were withdrawn prior to the hearing.

Appeal No. 84-325 was continued indefinitely.

Requests for Jurisdiction beyond the 10-day appeal period:

1. David G. Gruber re property at 209 El Camino Del Mar, the Board voted to take jurisdiction.
2. Gerard P. Dufour regarding property at 164 Cook Street, the Board voted not to take jurisdiction.

APPEAL NO. 83-006

HAROLD ALLEN PARKER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 6, 1983, of permit to alter a building at 2498-27th Avenue. REMAND FROM SUPERIOR COURT.

On January 15, 1985, the Honorable Roy Wonder of the San Francisco Superior Court ordered this matter remanded to the Board for the purpose of adopting formal written findings. The Board, having exercised its de novo review power, based upon the written submissions and having considered the oral testimony presented to this Board at the public hearing, hereby DENY the appeal. Upon motion of Commissioner Guggenhime, the Board voted 4-0, Commissioner McCarthy abstaining, to adopt the Findings.

APPEAL NO. V84-311

STELLA H. BERRY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on November 9, 1984, of off-street parking variance sought for property located at 3871 Twentieth Street.

Mr. Robert Passmore, the Zoning Administrator, advised the Board that the building had an illegal unit, and that there was not the required parking to legalize the unit. The Department was supported by the testimony of Mr. Fred Methner, a neighbor. The appellant, who was present, was represented by her daughter, Ms. Mary Ellen Campbell and her architect, Mr. David S. Gast. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and grant the permit with the following stipulations: (1) two independently accessible parking spaces will be made available according to the plan submitted by David S. Gast & Associates dated January 25, 1985; (2) that portion of the plans that indicate 'washer' are to be removed and that space is to be made available for parking with the understanding that the owner be able to double stack the washer and dryer.

APPEAL NO. 85-014

JOHN M. DEMPCY AND NICHOLAS SILVA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on January 23, 1985, for work done at 4047-49 Twenty-sixth Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of remodeling the kitchen and the back porch. The appellant, Mr. Dempcy spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the Department and reduce the penalty to $89.25, plus the regular fee of $89.25, for a total of $178.50 due to the Department.

APPEAL NO. 85-017

MARCUS DEMIAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on January 29, 1985, for work done at 518 Joost Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of removing a bearing wall and replacing it with a "glue-lam" beam. Ms. Sarah Morrison represented the appellant. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to reduce the penalty to $357.00, plus the regular fee of $89.25, for a total of $446.25 due to the Department.

APPEAL NO. 85-010

T.W. ENG CONSTRUCTION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 3, 1985, of permit to alter a building at 2437-53 Lombard Street.

Commissioner McCarthy reported on the site inspection made by the Board. He also outlined a relocation plan. Mr. Don Lim represented the Department of Public Works. Mr. Robert Passmore, Zoning Administrator, spoke in behalf of the Department of City Planning. His position was supported by the testimony of tenants Ms. Whitney Beebe, Ms. Libbie Schock, and Ms. Patti Schock. Neil Eisenberg, Esq., represented the appellant. The Board voted 5-0 to overrule the Department and grant the permit subject to conditions. The Board asked the Executive Director, Mr. Robert Feldman, to draft the conditions and present them at the hearing of February 20, 1985 for Board approval.

APPEAL NO. 85-019

AMERICAN CANVAS PRODUCTS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 30, 1985, of permit to alter a building at 3939 Twenty-fourth Street.

Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. He advised the Board that the Building Permit was disapproved because awnings were not permitted in this RC-1 zoned district. The appellant, Mr. F.R. Behnke, spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 3-2 to uphold the Department. Four votes needed to overrule, the Department is upheld and the permit is denied.

APPEAL NO. 85-018

MAURY SCHWARTZ, et al, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on January 22, 1985, to Bartley J. Faherty, permit to demolish a building at 1072 De Haro Street.

Ms. Maury Schwartz represented the appellants. She stated that the appellants felt that the demolition would damage the character and fabric of the neighborhood. Mr. Don Lim represented the Department of Public Works. The permit holder, Mr. Bartley J. Faherty, spoke in his own behalf. Upon motion of Commissioner Jackson, the Board voted 4-1 to uphold the Department and grant the permit.

APPEAL NO. V84-324

TANAMA, LIMITED, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on December 21, 1984, to Jamestown Company, off-street loading variance sought for property located at 212 Stockton Street.

APPEAL NO. V84-327

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on December 21, 1984, to Jamestown Company, off-street loading variance sought for property located at 212 Stockton Street.

The two appeals were heard together, arguments being common to both. Prior to hearing testimony, the Board voted 4-0 to allow Commissioner Guggenhime to disqualify himself due to a conflict of interest. Sue Hestor, Esq., represented San Franciscans for Reasonable Growth, and Kathryn Dickson, Esq., appeared for Tanama Limited. The appellants advised the Board that there was error on the part of the Zoning Administrator pertaining to the five conditions of Section 305 (c) of the Planning Code. Mr. Robert Passmore, the Zoning Administrator, presented the Department's position. Timothy Tosta, Esq., appeared for the property owner, Mr. Grant Sedgwick, who also spoke in his own behalf. Architect David Marchado supported the position of the property owner. Upon motion of President Berg, the Board voted 3-1 to uphold the Department and grant the variance. As four votes are needed to overrule, the Department is upheld.

There being no further business to come before the Board, President Berg adjourned the meeting at 8:47 p.m.

SPECIAL MEETING OF THE BOARD

APPEAL NO. 84-325

Site Inspection at 2075-89 Sutter Street, 5:00 p.m., Tuesday February 12, 1985, attended by President Berg, Vice President McCarthy, Commissioner Jackson.

APPEAL NO. 85-010

Site Inspection at 2437-53 Lombard Street, 5:30 p.m., Tuesday, February 12, 1985, attended by President Berg and Vice President McCarthy.

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Jerry E. Berg, President

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 20, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:17 p.m.

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Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

ADOPTION OF FINDINGS OF FACT: Regarding Appeal No. 84-316, upon motion of Commissioner Guggenhime, the Board voted 5-0 to adopt the Findings of Fact.

APPROVAL OF CONDITIONS: On February 13, 1985, the Board voted 5-0 to overrule the Department and grant the permit subject to conditions. The Board asked the Executive Director, Mr. Robert Feldman, to draft the conditions and present them for approval at the hearing of February 20, 1985. Mr. Feldman presented to the Board a draft of seven conditions. At the request of the appellant's attorney, Neil Eisenberg, the Board approved the addition of language to the conditions. Mr. Eisenberg felt this language correctly reflected the intent of the Board. Upon motion of Vice President McCarthy, the Board voted 5-0 to accept the conditions as contained in the Board of Permit Appeals memorandum of February 14, 1985.

REQUEST THAT THE BOARD TAKE JURISDICTION BEYOND THE 10-DAY APPEAL PERIOD: Regarding a letter from Mr. William T. Meyer regarding issuance of demolition permit for property at 1111C Green Street. There being no motion, the matter will not be heard.

CONTINUED CASES: Appeal Nos. 85-021, 85-028, 85-022, and V85-023 were continued to March 20, 1985.

APPEAL NO. 85-026

JOHN MARSH ENGINEERING AND CONSTRUCTION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on February 11, 1985, for work done at 257 Francisco Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of starting construction work before the issuance of a permit. The appellant, Mr. John Marsh, spoke in his own behalf. He was supported by the testimony of the property owner, Mr. Michael Brown. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the Department with the stipulation that the penalty be reduced to $1002.83, plus the regular fee of $668.55, for a total of $1,671.38 due to the Department.

APPEAL NO. 85-027

BARBARA BUTTURFF DELANEY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on February 13, 1985, for work done at 1279 Forty-fourth Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of extensive plumbing repair. The appellants, Mr. and Mrs. Delaney, spoke in their own behalf. Upon motion of Commissioner Jackson, the Board voted 5-0 to overrule the Department and reduce the penalty to $146.45, plus the regular fee of $146.45, for a total of $292.90 due to the Department.

There being no further business to come before the Board, President Berg adjourned the hearing at 6:45 p.m.

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Jerry E. Berg, President

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 6, 1985

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:11 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

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Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore, Zoning Administrator, for the Department of City Planning; Executive Director Robert H. Feldman; and Doris Levine, Official Hearing Reporter.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

REQUEST FOR REHEARING: Regarding Appeal No. V84-324; there being no motion, the matter will not be reheard.

CASES CONTINUED: Appeal Nos. V84-276, 85-009, and V85-035 were continued to March 20, 1985. Appeal No. V85-024 was continued to March 20, 1985, with a Site Inspection scheduled for March 19, 1985.

APPEAL NO. 85-033

MIKE S. SHAWA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on February 21, 1985, for work done at 2625 Mission Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of a new store window and entrance to a retail clothing store. The appellant, Mr. Mike S. Shawa, spoke in his own behalf. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and sustain the penalty.

APPEAL NO. 85-016

STEPHEN F. MOSES, dba "CHEZ PAREE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on January 16, 1985, of permit for Place of Entertainment at 115 Mason Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Department had recommended the revocation of this permit citing continuing violations of Police Code provisions, operations without

Appeal No. 85-016 continued:
a valid permit and absentee ownership. Mr. Wilson summarized the testimony of Officers George Bodrov, Daniel D. O'Shea, John Sterling, and Peter Dacre, all of whom were present in the hearing room. Inspector Chris Weld supported the Department's position. Others who spoke in support of the Department's position were Mr. Brad Paul, representing the North of Market Planning Coalition, Mr. Jim Leach, Director of Security for the Ramada Hotel. The appellant, who was present, was represented by Ronald D. Foreman, Esq. He was supported by the testimony of Mr. Lacey, a Patrol Specialist. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 85-015

JOSHUA HOM, dba "CHEZ PAREE," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on January 16, 1985, of permit for Place of Entertainment at 115 Mason Street.

Lawrence Wilson, Esq. represented the Police Department. He advised the Board that the central issue in this appeal was basically the same as noted in the above appeal. Specifically, the Department requests that Mr. Hom's permit should be revoked for operating the establishment prior to obtaining the required approvals and for allowing Mr. Moses to operate the business in an illegal manner. The appellant, who was present, was represented by Ronald D. Foreman, Esq. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and revoke the permit.

APPEAL NO. 85-036

JOHN A. BRANDI, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on January 18, 1985, of permit to operate a taxicab (Medallion #515) for Allied Cab Company.

Lawrence Wilson, Esq. represented the Police Department. He advised the Board that the Taxicab Enforcement Unit of the Permit Section had recommended revocation of both the permit and the medallion, citing a violation of the Municipal Police Code and a history of numerous violations since entering the taxicab industry. In this case, the Police Code violation was the appellant's refusal to transport two blind people and their guide dogs. The Department's position was supported by the testimony of Mr. Howard Boteilho. The appellant, Mr. Brandi, spoke in his own behalf. Mr. Larry Haddock, President of Allied Cab Company, testified for the appellant. Upon motion of Vice President McCarthy, the Board voted 4-1, Commissioner Jackson dissenting, to overrule the Department with the stipulation that for a ninety-day period beginning with the date of this action of the Board, the Allied Cab Company, Inc., the lessee of the appellant's taxi medallion, shall pay one-half of the monthly revenue from the use of the medallion to the appellant and one-half of the revenue to Guide Dogs for the Blind, Inc. of San Rafael, California.

APPEAL NO. 85-034

MARY A. ROSENBLATT, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on February 22, 1985, of permit to alter a building at 2999 Pacific Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the structure involved is a six-story, Type 3, one-hour building with living facilities for seven families. The building does not comply with the current Building Code, which allows only four stories for Type 3 construction, but under Section 104 (c), may have its existing use continued provided no changes are made which increases the risk to life safety. The appellant proposes to install an openable skylight roof structure over some existing roof garden patios. The proposed installation would further aggravate a non-complying situation. The appellant was represented by William K. Coblentz, Esq., who described the substantial expenditures and efforts made by the appellant to fix a roof leak which the proposed skylight will remedy. Upon motion of Commissioner Guggenhime, the Board voted 4-0 (Commissioner Jackson was absent) to overrule the Department and grant the permit.

THE FOLLOWING TWO APPEALS WERE HEARD TOGETHER, SUBJECT MATTER BEING COMMON TO BOTH:

APPEAL NO. 85-006

MILTON G. VRIONIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 11, 1985, of permit for a painted wall sign at 2845 Van Ness Avenue.

APPEAL NO. 85-007

TRI DEVELOPMENT, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 11, 1985, of permit for a painted wall sign at 2415 Van Ness Avenue.

Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. He advised the Board that the appellant had a wall sign painted without a permit and that said sign exceeded the sixty-foot height limitations provided for in the Planning Code. Robert Katz, Esq. and Barry R. Blue, Esq. represented the appellants. Regarding Appeal No. 85-006, upon motion of Commissioner Engmann, the Board voted 4-1, with Commissioner Guggenhime dissenting, to uphold the Department and deny the permit. Regarding Appeal No. 85-007, upon motion of Vice President McCarthy, the Board voted 3-2, Commissioners Guggenhime and Engmann dissenting, to uphold the Department and deny the permit.

TIME 7:30 p.m.: COMMISSIONER JACKSON LEFT THE HEARING.

APPEAL NO. 85-029

ROBERT L. JR. AND SHEILA FLETCHER, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on February 6, 1985, to Edward B. Kaufmann, permit to alter a building at 89 Martha Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellants advised the Board that the granting of this permit would cause damage to their trees standing on the property line. They also maintained that the amount of open space in the area would be diminished. Their position was supported by neighbors Mr. Scott O'Brien and Dr. Marguerite Rubenstein. The permit holder, Mr. Edward B. Kaufmann, spoke in his own behalf. His contractor, Mr. Judson Muswic, supported his position. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department with the stipulation that within the next seven days, the appellants and permit holder, with their attorneys and tree experts, meet and (1) determine are the trees worth saving; and (2) make provisions for the protection of the neighbors' property rights.

APPEAL NO. 85-037

ROBERT M. CASSEL, et al., Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on February 13, 1985, to James L. and Lois T. Barnes, permit to demolish a building at 2747 Vallejo Street.

Robert M. Cassel, Esq., spoke on behalf of the appellant group. He advised the Board that it would be inappropriate to develop the property as a building site. Also demolition of the existing structure could pose a danger to structures on each side of the lot. Mr. Julian L. Peabody, Maurice E. Holloway, and Robert McKenzie spoke in support of the protest. The permit holders, James L. and Lois T. Barnes, spoke in their own behalf and were supported by the testimony of Mr. Bruce Baumann. Upon motion of Commissioner Guggenhime, the Board voted 3-1, with Commissioner Engmann dissenting, to grant the permit with a stipulation that the demolition permit is stayed until the date a building permit for the site is granted. The Department is upheld and the permit granted. The stipulation is of no force or effect since four votes were not given.

THE FOLLOWING FOUR APPEALS WERE HEARD TOGETHER, ARGUMENTS BEING COMMON TO ALL

APPEAL NO. 82-059

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting approval upon reconsideration of the Planning Commission of permit issued on March 29, 1982, to Lincoln/Spear Associates, to alter a building at 101 Mission Street (100 Spear Street).

APPEAL NO. 82-094

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting approval upon reconsideration of the Planning Commission of permit issued on May 6, 1982, to Citicorp/Citibank NA, to erect a building at One Sansome Street.

APPEAL NO. 82-095

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting approval upon reconsideration of the Planning Commission of permit issued on May 6, 1982, to Crow-Spieker No. 99, to erect a building at 655 Montgomery Street.

APPEAL NO. 82-096

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting approval upon reconsideration of the Planning Commission of permit issued on May 10, 1982, to Vintage Properties, to erect a building at 160 Spear Street.

By a vote of 4-0, the Board certified that the Final Supplemental Environmental Impact Reports, for each of the four cases on appeal, were presented for their review, and that they had reviewed and considered the information contained in each of the final SEIRs. President Berg stated that the Board will hear all testimony related to the SEIRs and the projects. By a vote of 4-0, the Board certified that they had read and considered the original EIR. At this point, the Court Reporter swore-in those who were to give testimony regarding these cases. Sue C. Hestor, Esq. and Mr. David Jones presented the case for the appellants. They cited that the Supplemental EIRs were inadequate, and that the procedures followed in certifying the EIRs were legally defective. Mr. Brad Paul, a member of the Board of Directors of San Franciscans for Reasonable Growth, spoke in support of the protest. Mr. Robert Passmore, Zoning Administrator, spoke in behalf of the Department of City Planning. He was supported by the testimony of Ms. Barbara Sahm of the Department of City Planning. Attorneys Jonathan Bass, Robert Thompson, and Howard Ellman represented the project sponsors.

REGARDING APPEAL NO. 82-059: Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit with the stipulation that the permit holder secure a condition of approval relating to employment impacts.

REGARDING APPEAL NO. 82-094: Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit with the stipulation that the permit holder secure a condition of approval relating to employment impacts.

REGARDING APPEAL NO. 82-095: Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit.

REGARDING APPEAL NO. 82-096: Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit with the stipulation that the permit holder secure a condition of approval relating to employment impacts.

Appeal Nos. 82-059, 82-094, 82-095, 82-096 continued:
President Berg made a motion that there were no grounds for adding to the SEIR by way of addendum, which would be authorized by Administrative Code 31.29 and said motion was adopted unanimously.

APPEAL NO. V85-024

JAN C. SMEKENS, AIA, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on January 29, 1985, of rear yard variance sought for property located at 2060 Fell Street.

Commissioner Engmann summarized the case. The proposal is to legalize two-story rear decks and stairway constructed without permit. Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. Donald B. McCaw, Esq. represented the appellant. The Board continued the case to the hearing on March 20, 1985, and scheduled a site inspection for Tuesday, March 19th, at 5:30 p.m.

APPEAL NO. V85-030

STEPHEN KOW, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on February 5, 1985, of off-street parking variance sought for property located at 1558 Powell Street

Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. He advised the Board that the proposal was to construct a four-story building without providing the Planning Code required one off-street parking space. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and grant the variance with the stipulation that the project sponsor applies for a building permit and himself requests discretionary review by the Department of City Planning.

There being no further business to come before the Board, President Berg adjourned the hearing at 11:28 p.m.

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Jerry E. Berg, President

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 20, 1985

5:00 P.M., ROOM 282, CITY HALL

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The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:10 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore, Zoning Administrator, for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Executive Director Robert H. Feldman.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

(1) REQUEST FOR REHEARING: Regarding Appeals Nos. 85-034, 85-015, 85-016, 82-059, 82-094, 82-095, and 82-096, there being no motion, the matters will not be reheard. Regarding Appeal No. 85-037, upon motion of President Berg, the Board voted 5-0 to rehear the appeal.

(2) REQUEST THAT THE BOARD TAKE JURISDICTION BEYOND THE 10-DAY APPEAL PERIOD: Regarding a letter from Mr. Ashish K. Desai regarding denial of permit to drive a taxi, there being no motion, the matter will not be heard.

(3) ADOPTION OF FINDINGS OF FACT for Appeal Nos. 82-059, 82-094, 82-095 and 82-096, the Board voted unanimously to adopt the Findings of Fact with the addition of language suggested by the protest appellant to require notice to the Unified School District and the Community College District and a clarification of language for the condition imposed by the Board.

(4) CASES CONTINUED: Appeals Nos. 85-040, 85-039, 85-043 were continued to March 27, 1985. Appeals Nos. 85-042, 85-044, and 85-046 were continued to April 10, 1985. Appeal Nos. V85-024 and 85-032 were continued to April 17, 1985.

APPEAL NO. V85-023

PLANT PROPERTIES, INCORPORATED, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on January 29, 1985, of off-street parking variance sought for property located at 2185 Folsom Street and 3180-98 Eighteenth Street.

Executive Director Robert Feldman gave a report on the site inspection the Board made to the property. Mr. Robert Passmore, Zoning Administrator, questioned the enforceability of any conditions the Board might place on their decision in overruling the Department. The permit holder, Mr. Plant, supplied the Board with a draft of proposed lease terms and a covenant. Upon motion of Vice President McCarthy, the Board voted 5-0 to over-

APPEAL NO. V85-023 (Continued)

rule the Department and grant the variance subject to the following conditions: (1) That the appellant shall maintain valet parking on the premises to provide at least 45 off-street parking spaces as shown on the revised parking plan dated March 20, 1985, which is on file with the Board of Permit Appeals in File No. V85-023; (2) that each and every lease of office space in the subject two buildings shall contain a provision informing each lessee of these stipulations for valet parking for 45 off-street parking spaces; and (3) that these stipulations shall be recorded on the land records as a Notice of Special Restriction on a form and in a manner acceptable to the Zoning Administrator and copies of said document, after recordation, shall be submitted to the Board of Permit Appeals and to the Zoning Administrator to be made a part of the permanent files in this matter.

APPEAL NO. V85-276

JAMES R. HUMPHREY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on October 22, 1984, of off-street parking variance sought for property located at 295 Divisadero Street.

Mr. Robert Batchelor, AIA, spoke in behalf of the appellant. Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and grant the variance subject to the following conditions: (1) that a third off-street parking space shall be added to the present two-car garage in order to meet the Planning Code requirements for parking for the legalization of the fourth unit in the subject building, said parking space to be at least the size of a compact car space as provided for in Section 154 of the City Planning Code; (2) that the trees adjacent to the two-car garage shall be retained during and after construction, and in the event said trees are destroyed or die, that new trees shall be planted and maintained by the appellant or his successors in interest; and (3) that the illegal fifth unit in the subject building shall be entirely removed as provided for in Condition No. 4 on Page Two of Variance No. 84227V, dated October 22, 1984.

APPEAL NO. 85-048

ISMAEL ESTRADA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on March 11, 1985, for work done at 35-37 Sharon Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of removing the rear portion of the structure and building a new three-story addition. The appellant was represented by his daughter Sandra Estrada. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the Department and reduce the penalty to $1,000, plus the regular fee of $652.55, for a total of $1,652.55 due to the Department.

APPEAL NO. 85-021

MARI-ALICE CEA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on February 5, 1985, for work done at 481 Twenty-seventh Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of a basement bedroom, bath and recreation room. The appellant advised the Board that she was unaware of the permit requirements. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and reduce the penalty to $103.70, plus the regular fee of $103.70, for a total of $207.40 due to the Department.

APPEAL NO. 85-009

THO THI TRUONG, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on January 3, 1985, of masseuse permit at 1030 Geary Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that an agreement had been reached with the appellant. The Board was advised of the factors in the agreement. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and reinstate the permit with the stipulation that the permit be suspended for 90 days beginning April 1, 1985.

APPEAL No. 85-028

ALANO CLUB, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on February 4, 1985, of permit for Bingo Games at 525 Sutter Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the required work had been done as required by the Department. A letter had also been received from the Franchise Tax Board verifying the eligibility of the appellants to conduct bingo games. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 85-042

HERBERT W. KIRST, dba "PORTOFINO PIZZARIA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on February 20, 1985, of permit for mechanical amusement devices at 540 Broadway.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the required electrical work had now been done. Mr. Robert Passmore, Zoning Administrator, asked that if the Board overruled the Department, that a stipulation be placed on the decision stating that the appellant must provide the Police Department with a copy of the electrical Inspector's report stating that the required electrical work had been done. This report must be submitted within seven days of the hearing date of the appeal or the appeal is denied. Vice President McCarthy stated that he was going to ask that the case be continued until April 10, 1985, and that during the interim the Executive Director is to ask the City Attorney's office to rule as to whether or not (1) the Board of Permit Appeals has jurisdiction in this case; (2) does the case require conditional use approval, in which case it would go first to City Planning and then to the Board of Supervisors; (Commissioner Engmann noted that even when there is a conditional use requirement from the Planning Department, the Police Department still has to issue the permit in which case an appeal could still be made to the Board); (3) do interim controls impact upon the matter; and (4) whether or not the permit has lapsed (the six-month period to comply with the Police requirements for the permit had ended on February 19, 1985).

APPEAL NO 85-045

GUST VLAZAKIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 11, 1985, of permit to alter a building at 201 Leavenworth Street.

Chief Building Inspector Don Lim represented the Department of Public Works, He advised the Board that the appellant is appealing the requirements of Section 503 of the San Francisco Housing Code which specifically requires on each floor for each sex at least one bathroom accessible from an exit corridor for each ten guest rooms or a fraction thereof. Such facilities shall be clearly marked for "Men" or "Women". The appellant Mr. Gust Vlazakis spoke in his own behalf. He stated that the required work would result in the eviction of tenants and the loss of low income housing for the City. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and grant the permit subject to the following conditions; (1) that the subject building shall remain a residential hotel subject to the provisions of Chapter 41 of the San Francisco Administrative Code, the Residential Hotel Unit Conversion and demolition Ordinance; and (2) that the appellant shall record these conditions on the land records of the City and County of San Francisco as a Notice of Special Restrictions on a form and in a manner approved by the staff of the Board of Permit Appeals and shall submit a copy of said recorded Notice of Special Restrictior to the Board of Permit Appeals to be made a part of the present record of this matter in File No. 85-045.

APPEAL NO. 85-022

BEATRICE CHRISTOPHER TENTES, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on January 29. 1985, to Gary S. and Marian Lim, permit to alter a building at 2059 Broadway.

Mr. and Mrs. Tentes spoke in their own behalf. They advised the Board that the planned construction would deprive them of light and air, and constitute an invasion of their privacy. The permit holders, Mr. and Mrs. Lim, were present and were represented by their architect, Mr. R. W. Williams. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 85-038

MARY SATOMI, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on February 22, 1985, to A. Takagi, permit to erect a structure at 1970-72 Bush Street.

The appellant was represented by her daughter, Ms. Lana Perreira. She advised the Board that the appellant was concerned about losing the light to her kitchen and also about her property being damaged during the construction. Mr. Nubie Nakamura, AIA, spoke in behalf of the permit holder. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department with the stipulation that the fence between the property of the appellant and the permit holder be reconstructed by the permit holder according to the San Francisco Building Code.

APPEAL NO. 85-043

LORRI D. HOLT AND LOUISE STEINMAN, et al., Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on February 21, 1985, to Yu-Hu Lu, permit to erect a building at 55 Valley Street.

Chief Building Inspector Don Lim represented the Department of Public Works. Mr. Robert Passmore, Zoning Administrator, spoke for the Department of City Planning. Ms. Lorri Holt spoke in behalf of the protestants. She advised the Board that the proposed construction would diminish the quality of the neighborhood environment. She also stated that there were six garages on the property that were not shown on the blueprints. Also at issue was the disposition of a tree on the proposed construction site. The permit holder was represented by Mr. Peter Gong. This matter was continued for further hearing to March 27, 1985, with a site inspection scheduled for Tuesday, March 26th at 5:00 p.m.

APPEAL NO. V85-035

PAUL MCKENNA, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on February 6, 1985, to Antonio M. Rojas, rear yard variance sought for property located at 28 Allison Street.

The appellant was represented by Mr. Wayne Rieke. He advised the Board that the Zoning Administrator had not justified the variance request. Michael Price, Esq., represented the permit holder. Mr. Robert Passmore, Zoning Administrator, presented the position of the Department. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and grant the variance.

APPEAL NO. 85-032

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on February 8, 1985, to Bank of America, permit to alter a building at 799 Market Street.

Prior to hearing testimony, President Berg asked the Board to rule on a possible conflict of interest on his part. The Board voted 4-0 to disqualify President Berg from hearing this appeal. Sue Hestor, Esq., represented the protest appellant. She advised the Board that the entire project was a new conversion, from retail to office use, and that appropriate mitigation measures for housing and transportation should have been approved. She also contested the lack of proper environmental review because the Department had improperly considered it to have been previously converted. Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. William Coblentz, Esq., represented the permit holder. He was supported by the testimony of William McClusky, AIA. The appeal was continued to April 17, 1985, to allow the parties to secure additional information to present to the Board.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:20 p.m.

SPECIAL MEETINGS OF THE BOARD

APPEAL NO. V85-023

Site Inspection at 2185 Folsom Street and 3180-98 Eighteenth Street, Tuesday, March 19, 1985, at 5:00 p.m., attended by President Berg, Vice President McCarthy, Commissioners Jackson and Guggenhime, and Executive Director Robert H. Feldman.

APPEAL NO. V85-024

Site Inspection at 2060 Fell Street, Tuesday, March 19, 1985, at 5:30 p.m., attended by President Berg, Vice President McCarthy, Commissioners Jackson and Guggenhime and Executive Director Robert H. Feldman.

Jerry E. Berg, President

Robert H. Feldman, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MARCH 27, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:14 p.m.

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Present were: President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Ms. Nancy Gin representing the Department of City Planning; Executive Director Robert H. Feldman, and Doris Levine, Official Hearing Reporter.

Vice President McCarthy was absent from this hearing.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

(1) Jurisdiction Request:
Letter from Mr. Peter Robinson protesting construction at 630 Connecticut Street. There being no motion, the matter will not be heard.

(2) Request for Rehearing:
Regarding Appeal No. V85-030, there being no motion, the matter will not be reheard.

(2) Cases Continued:
Appeal Nos. 85-061, 85-055, and 85-058 were continued to April 10, 1985. Appeal Nos. 85-057 and V85-056 were continued to April 17, 1985.

(3) Cases withdrawn:
Appeal No. 85-054 was withdrawn.

APPEAL NO. 85-043

LORRI D. HOLT AND LOUISE STEINMAN, et al., Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 21, 1985, to Yu-Hu Lu, permit to erect a building at 55 Valley Street.

President Berg read a letter from Robert C. Levy, Superintendent, Bureau of Building Inspection, in which he advised the Board that the above referenced building permit had been suspended indefinitely. The matter is off calendar until such time as the Department of City Planning reinstates the permit. This case was continued indefinitely.

APPEAL NO. 85-037

ROBERT M. CASSEL, et al., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 13, 1985, to James L. and Lois T. Barnes, permit to demolish a building at 2747 Vallejo Street.

This was a rehearing. President Berg summarized the past hearing and decision. The appellant, Robert M. Cassel and the permit holder, James L. Barnes were present. Upon motion of President Berg, the Board voted to uphold the Department and issue the permit subject to the stipulation that the demolition permit be stayed until the building permit is issued.

APPEAL NO. 85-039

JOHN H. AND NORMA L. HUDGINS, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on February 27, of permit to alter a building at 466 Diamond Street.

Executive Director Robert Feldman summarized the site inspection made by himself and Board members. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and grant the permit subject to the following conditions: (1) That the plans shall be revised to show an interior stairway linking both levels of the building and integrating the rooms in the lower level with the rooms on the main upper level so as to insure the maintenance of single-family use of the dwelling; and (2) that the appellant property owner shall record condition number one in a Notice of Special Restrictions on the land records of the City and County of San Francisco in a manner and on a form approved by the Zoning Administrator and that copies of said notice after recordation shall be submitted to the Department of City Planning and to the Board of Permit Appeals to be made a part of the permanent files in this matter.

APPEAL NO. 85-040

JOHN H. AND NORMA L. HUDGINS, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on February 27, 1985, for work done at 466 Diamond Street.

Mr. Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of adding rooms and a bath in the basement area. The appellants spoke in their own behalf. They were supported by the testimony of their contractor, Raymond Park. Upon motion of Commissioner Jackson, the Board voted 4-0 to overrule the Department and reduce the penalty to $103.70, plus the regular fee of $103.70, for a total of $207.40 due to the Department.

APPEAL NO. 85-050

JUANITA A. MURILLO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on March 15, 1985 for work done at 582 Monterey Blvd.

Mr. Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of a bedroom vertical addition over an existing roof. Ms. Sonia Murillo spoke in behalf of her father, the appellant. She advised the Board that her father was not aware of the permit requirements. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and sustain the penalty.

APPEAL NO. 85-053

BRYAN V. KIEFER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on March 15, 1985 for work done at 27 Walter Street.

Mr. Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of the construction of a basement apartment. The appellant, Mr. Kiefer, spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and reduce the penalty to $74.80, plus the regular fee of $74.80, for a total of $149.60 due to the Department.

APPEAL NO. 85-051

MAURICE L. ROBLES, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on March 14, 1985, for work done at 2190 Folsom Street.

Mr. Don Lim represented the Department of Public Works. he advised the Board that the work done without a permit consisted of walls demolished on a fire-damaged building. The appellant, speaking in his own behalf, told the Board that he was not aware of the permit requirements. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and reduce the penalty to $17.00, plus the regular fee of $17.00, for a total of $34.00 due to the Department.

APPEAL NO. 85-061

CARLOS URIBE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty, imposed on March 18, 1985, for work done at 2508 McAllister Street.

Mr. Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of interior remodeling of bathroom, kitchen, fireplace and adding a new deck. The appellant, Mr. Carlos Uribe, told the Board that the work had been done under permit. Mr. Lim requested that the appeal be continued in order to allow him to get more information. The case is continued to April 10, 1985.

APPEAL NO. 85-057

SOZER AKAT, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on March 15, 1985, of driver public vehicle permit for Yellow Cab Company.

Lawrence Wilson, Esq., represented the Police Department. He requested a continuance stating that his key witness was unable to appear at the hearing, but that she would be available on April 17th. Officer Parenti supported the Department's request for a continuance. The appellant objected to the continuance. The Board continued the case until April 17th with the understanding that the matter will definitely be heard on that date.

APPEAL NO. 85-059

RONNIE ALKANA, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on March 8, 1985, of driver public vehicle permit for Allied Cab Company.

Doris Levine, Official Hearing Reporter, swore in those who were to testify in this matter. Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Taxicab Enforcement Unit of the Police Permit Section had recommended revocation of this permit citing the arrest and conviction of the appellant for driving under the influence of alcohol. Officer J.B. Maultsby, California Highway Patrol, testified that he was the arresting officer. The appellant, Mr. Alkana, spoke in his own behalf. Upon motion of President Berg, the Board voted 2-2, Commissioners Jackson and Guggenhime dissenting, to uphold the Department and revoke the permit. Four votes needed to overrule the Department, the Department is upheld and the permit revoked.

APPEAL NO. 85-031

LYDIA GRUBER, et al., Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 13, 1984, to Alejandro Espinosa, permit to alter a building at 209 El Camino Del Mar.

Robert D. Barbagelata, Esq., represented the appellant. With the concurrence of Alice Barkley, Esq., attorney for the permit holder, the conditions agreed upon by both parties was read into the record. The appellant, Ms. Lydia Gruber, advised the Board that she agreed to the conditions. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit subject to the following conditions: (1) that the permit holder paint the exterior east wall on the side of 201 El Camino Del Mar a color which matches the color of the existing east wall of the house to which it is attached; (2) the permittee, will, prior to painting the structure, repair the shingles on the existing east wall of the house immediately adjacent to the structure; (3) permittee shall allow the owners of the premises at 201 El Camino Del Mar, immediately adjacent to the east of the structure, to place and permanently maintain reasonable attachments to the east exterior wall of the structure necessary to faciliate and/or hold whatever vegetation or plantings are or will be planted by the owners of 201 El Camino Del Mar, and shall allow such vegetation or plantings chosen and planted by the owners of 201 El Camino Del Mar to be attached to the east exterior wall of the structure on a permanent basis for the purpose of covering the wall; (4) permittes, Alejandro and Rurika Espinosa, shall execute a

Appeal No. 85-031 (Continued)

Notice of Special Restriction and/or other appropriate legal documents necessary and appropriate in order to bind any future purchasor of 209 El Camino Del Mar setting forth conditions 1, 2. and 3 above within thirty (30) days and file said document with the Recorder's Office of the City and County of San Francisco immediately after the execution. A true copy, after filed, shall be served on Robert D. Barbagelata at 109 Geary Street, San Francisco, California, 94108, and the Bureau of Building Inspection of the Department of Public Works of the City and County of San Francisco; and (5) failure to fulfill conditions 1, 2, 3 and 4 set forth above, shall be deemed a violation of the permit conditions, and shall be enforceable by the City and County of San Francisco.

APPEAL NO.85-055

VIKKI L. JOHNSON, et al., Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on March 6, 1985, to Liam Cafferkey, permit to erect a structure at 1109-21 Vicente Street.

Ms. Vikki Johnson represented the protest appellants. She was supported by neighbors Mr. Albert Campos and Mr. Joseph Woo. They advised the Board that the proposed construction would exacerbate an already deteriorating neighborhood situation caused by over development. Owen O'Donnell, Esq., appeared for the permit holder. The Board scheduled a site inspection for Tuesday, April 9th at 5:00 p.m. The appeal was continued to April 10, 1985.

APPEAL NO. 85-058

ELIZABETH CONNORS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 8, 1985, to Mynin and Iva Wong, permit to alter a building at 70 Sea Cliff Avenue.

The appellants, Mr. and Mrs. Connors, presented their case. They advised the Board that the proposed construction would have a deleterious effect on their property. Their privacy, view and investment would be seriously damaged. The permit holders spoke in their own behalf. The Board scheduled a site inspection for Tuesday, April 9th at 5:30 p.m. The case will be calendared for further hearing April 10th.

APPEAL NO. 85-060

ELLEN DALY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 8, 1985, to Edward McCarthy, permit to alter a building at 2749 Market Street.

The appellant was present. She was represented by William Frederick Heijn, AIA. He voiced the appellant's concern that the construction would have a negative impact on her property. He also advised the Board that his client had not been notified of the Department of City Planning's variance hearing on this matter. Executive Director Robert Feldman submitted a copy of the mailing labels used by City Planning to notify people of the hearings; the appellant's name was on the list. The permit holder, Mr. Edward McCarthy, spoke in his own behalf and was supported by the testimony of a neighbor, Mr. Albert Lazar. Upon motion of Commissioner Jackson, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. V85-052

SIESEL MAIBACH, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting imposition of condition in granting of rear yard variance on March 8, 1985 for property located at 2745 Larkin Street.

Ms. Nancy Gin represented the Department of City Planning. The Department is asking for the removal of a third living unit in the basement to bring the structure into compliance with the City Planning Code. The appellant maintained that the third unit is not rented but is for family use only. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the variance subject to the condition that the lower third unit shall be removed and a Certificate of Final Completion must be issued for this work prior to issuing the permit for the pool enclosure work.

There being no further business to come before the Board, President Berg adjourned the meeting at 7:45 p.m.

SPECIAL MEETING OF THE BOARD

Site Inspection at 477 Diamond Street, 5:00 p.m., Tuesday, March 26, 1985, attented by President Berg, Commissioners Jackson, Engmann and Guggenhime and Executive Director Robert H. Feldman.

Site Inspection at 55 Valley Street, Tuesday March 26, 1985, at 5:30 p.m. Attended by President Berg, Commissioners Jackson, Engmann and Guggenhime, and Executive Director Robert H. Feldman.

Jerry E. Berg JR

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
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M I N U T E S
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 10, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:14 p.m.

Present were:
President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Vice President Robert McCarthy was absent.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore, Zoning Administrator, for the Department of City Planning; Captain Gary Meltzer for the Fire Department; Doris Levine, Official Court Reporter and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request for Rehearing: There being no motion, Appeal No. 85-045 will not be reheard.

Request for Jurisdiction: Request for jurisdiction from Joyce Tyler Smith; there being no motion, the matter will not be heard.

Appeals Continued: Appeals Nos. 85-065, 85-069, 85-071 and 85-044 were continued to April 17, 1985. Appeal No. 85-074 was continued indefinitely. Appeal No. 85-046 was withdrawn prior to the hearing.

APPEAL NO. 85-042

HERBERT W. KIRST, dba "PORTOFINO PIZZARIA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on February 20, 1985, of permit for mechanical amusement devices at 540 Broadway.

Lawrence Wilson, Esq., appeared for the Police Department. He told the Board that he had been advised verbally that the electrical problems had been resolved a few hours prior to the hearing. However, the appellant, in response to the Board's questions, stated that he had been unable to secure the electrical approval prior to the day of the hearing. Upon motion of Commissioner Jackson, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 85-075

CHINESE COMMUNITY HOUSING CORPORATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on April 3, 1985, of permit to alter a building at 534 Broadway.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised that the items being appealed were the requirements of additional community kitchens and sanitation facilities. Mr. Michael J. Neumann, the project Director for the hotel renovation, advised the Board that the current moratorium prohibits the elimination of hotel rooms to convert same to kitchens or baths. He further advised the Board that the Board of Supervisors is considering amending the Chinatown-North Beach Residential Hotel Moratorium to permit the type of construction proposed by the appellant. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and grant the permit subject to the condition that a Certificate of Occupancy not be issued until the Moratorium is amended.

APPEAL NO. 85-055

VIKKI L. JOHNSON, et al., Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 6, 1985, to Liam Cafferkey, permit to erect a structure at 1109-21 Vicente Street.

President Berg and Executive Director Feldman reported on the site inspection the Board made to the property. The appellant, Ms. Johnson, spoke briefly. Upon motion of Commissioner Jackson, the Board voted 3-1, Commissioner Engmann dissenting, to uphold the Department and grant the permit. Four votes needed to overrule, the Department is upheld.

APPEAL NO. 85-058

ELIZABETH CONNORS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 8, 1985, to Mynin and Iva Wong, permit to alter a building at 70 Sea Cliff Avenue.

Executive Director Feldman summarized the site inspection made to the property. Mr. Connors introduced a neighbor, Mr. Louis Bulasky, who spoke briefly in support of the appeal. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit with the following conditions; (1) the minimum space between the deck rails must be at least nine inches; (2) the baluster of the rail be no more than three inches wide; (3) the rail be no more than three feet high; and (4) the maximum depth of the deck shall be no more than nine feet.

APPEAL NO. 85-061

CARLOS URIBE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty, imposed on March 18, 1985, for work at 2508 McAllister Street.

APPEAL NO. 85-061 (Continued)

Chief Building Inspector Don Lim represented the Bureau of Building Inspection. He advised the Board that the work done without a permit consisted of interior remodeling of bathroom, kitchen, fireplace and adding a new deck. The appellant stated that he was unaware that he was exceeding the scope of work permitted by the Bureau. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and reduce the penalty to $262.65, plus the regular fee of $262.65, for a total of $525.30 due to the Department.

APPEAL NO. 85-066

SOLOMAN ABDALLAH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on March 27, 1985, for work done at 775 Madrid Street.

Chief Building Inspector Don Lim appeared for the Department of Public Works. He advised the Board that the work done without a permit consisted of reroofing and installation of new rafters. The appellant was represented by Mr. Frederick Abdallah. He advised the Board that he was not aware of the permit requirements. Upon motion of Commissioner Jackson, the Board voted 4-0 to overrule the Department and reduce the penalty to $45.90, plus the regular fee of $45.90, for a total of $91.80 due to the Department.

APPEAL NO. 85-073

VERNON A. GIANNINI, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on March 28, 1985, for work done at 588 Sanchez Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of interior remodeling of the first and second floors of the structure. The appellant spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and reduce the penalty to $89.25, plus the regular fee of $89.25, for a total of $178.50 due to the Department.

APPEAL NO. 85-064

INN AT FISHERMAN'S WHARF, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 21, 1985, of permit to alter a building at 2655 Hyde Street.

Chief Building Inspector Don Lim represented the Department of Public Works. Capt. Gary Meltzer spoke for the Fire Department. He advised the Board that his Department had disapproved the application as there were not plans to install sprinklers on all the floors. After brief discussion, upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department with the following conditions: (1) that the entire garage area and lounge shall have a supervised sprinkler system: (2) that the lounge area shall have a double density system with rapid response heads; and (3) that the door from the lounge area to the garage shall be tight fitting.

APPEAL NO. 85-070

BILL D. CAPATI, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 29, 1985, of permit to alter a building at 230 Townsend Street (awning).

President Berg reviewed the Code as it applied to awnings. Chief Building Inspector Lim responded to questions of the Board. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and grant the permit.

APPEAL NO. 85-062

LOUIS A. HERMES, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on March 11, 1985, to Marsden S. and Cheryl N. Cason, permit to alter a building at 2336 Broadway.

The appellant advised the Board that he had an oral agreement from the permit holders that they would place a trellis between the two properties on the west side; and that the appellant would have design approval of the trellis, and that the permit holder, in addition to maintaining the trellis, would make binding on any future buyer of the property the maintenance of the trellis. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 85-063

GAIL ARTESEROS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 14, 1985, to Scott Douglass, permit to alter a building at 840-42 Fell Street.

The appellant, Gail Arteseros, presented her case. She stated that the construction plan was not in accord with the Master Plan in that it would eliminate affordable housing. She was supported by the testimony of a neighbor, Ms. Susan Hamilton. Mr. Robert Passmore represented the Department of City Planning. The permit holder, Mr. Scott Douglass spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 85-069

BARRY R. ROTH, M.D., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 21, 1985, to Joseph and Mary Uniacke, permit to erect a structure at 1085 Capp Street.

Appellant, Dr. Barry R. Roth, advised the Board that the proposed construction would cause irreparable harm to the enjoyment of his home and back yard. Mr. Robert Passmore, Zoning Administrator, spoke for the Department of City Planning. Chief Building Inspector Don Lim represented the Department of Public Works. The permit holder, Mr. Joseph Uniacke, responded to questions of the Board. Commissioner Engmann told Dr. Roth that he would make a site inspection on Monday, April 15th at 5:00 p.m. The case will be calendared for further hearing on April 17, 1985.

APPEAL NO. V85-068

GERALD ANSELMO, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on March 19, 1985, of minimum lot area and rear yard variance sought for property located at 644-48 Hayes Street.

Mr. Robert Passmore, Zoning Administrator, presented the position of the Department. He advised the Board that the appellant's written statement failed to demonstrate that the five conditions necessary to granting of the referenced variance application had been met. The appellant was represented by Mr. Bruce Baumann. Upon motion of Commissioner Engmann, the Board voted 3-1 to uphold the Department and deny the variance. Commissioner Jackson cast the dissenting vote.

APPEAL NO. V85-067

MICHAEL BROSNAN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting imposition of condition in granting of off-street parking variance, on March 22, 1985, for property located at 1228 Forty-sixth Avenue.

Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. He advised the Board that the condition attached to the granting of the variance had been pivotal in his granting of the variance. The appellant was represented by Mr. Bruce Baumann. He advised the Board that the agreed upon two spaces for compact cars was not a workable plan. He asked that one full sized space be an acceptable substitute. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and cancel the variance condition.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:42 p.m.

SPECIAL MEETING OF THE BOARD

APPEAL NO. 85-055

SITE INSPECTION at 1109-21 Vincente Street, 5:00 P.M., Tuesday, April 9, 1985, attended by President Berg, Commissioner Jackson and Executive Director Robert Feldman.

APPEAL NO. 85-058

SITE INSPECTION at 70 Sea Cliff Avenue, 5:30 p.m., Tuesday, April 9, 1985, attended by President Berg, Commissioners Jackson, Engmann, Guggenhime, and Executive Director Robert Feldman.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 17, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:11 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore, Zoning Administrator for the Department of City Planning; Captain Vincent Sullivan for the Fire Department; Doris Levine, Official Court Reporter and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

1. Cases Continued: Appeal No. 84-325 was continued indefinitely. Appeal No. 85-076 was continued to April 24, 1985. Appeal Nos. 85-077, 85-065 and 85-071 were continued to May 8, 1985.

THE FIRST CASE WAS TAKEN OUT OF REGULAR CALENDAR ORDER

APPEAL NO. V85-024

JAN C. SMEKENS, AIA, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on January 29, 1985, of rear yard variance sought for property located at 2060 Fell Street.

Vice President McCarthy summarized the Site Inspection made by the Board. At issue is the legalization of two-story rear decks and stairway constructed without permit. Chief Building Inspector Don Lim advised the Board that the work met Code requirements. The appellant was represented by Donald McCaw, Esq., who said that his client would willingly donate $5,000 to The Friends of Recreation and Parks, Inc. to assist the Recreation and Park Department to make up for any loss of open space in the neighborhood, if his client is able to keep his deck and stairs. Mr. Robert Passmore, the Zoning Administrator, reiterated the Department's position. Upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department and grant the variance subject to the condition that a building application be filed for the deck as required under the Building and Planning Codes.

APPEAL NO. 85-032

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 8, 1985, to Bank of America, permit to alter a building at 799 Market Street.

Mr. Robert Passmore spoke for the Department of City Planning. Deputy City Attorney Noreen Ambrose presented the position of the City Attorney. Sue Hestor, Esq., represented the protesters. At issue is whether or not this project exceeds 50,000 gross square feet of new office space. If it does, then the protesters contends that City Planning must impose the usual housing and transportation mitigation measures on the project. The permit holder was represented by Attorneys Harry O'Brien and Jonathan Bass; Architect Arthur Gensler and Mr. Ron Duff of the Bank of America Real Estate Division. Upon motion of Commissioner Guggenhime, the Board voted 2-1 to uphold the Department and grant the permit. The Department was upheld. Prior to the start of this appeal hearing, President Berg was again excused from the deliberation of the case due to a conflict of interest.

AT THIS POINT DORIS LEVINE, OFFICIAL HEARING REPORTER, SWORE IN THOSE WHO WERE TO GIVE TESTIMONY IN THE FOLLOWING POLICE CASES.

APPEAL NO. 85-057

SOZER AKAT, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on March 15, 1985, of Driver Public Vehicle Permit for Yellow Cab Company.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the appeal had been continued from the previous hearing to enable him to bring a key witness from Los Angeles; however, the witness failed to appear as scheduled at the hearing. Mr. Wilson advised the Board that the witness's sworn affidavit was in their file. The Department's reason for revoking the permit was the contention that the appellant repeatedly violated Taxi Cab rules and regulations. Mr. Thomas Landon from the Yellow Cab Company gave testimony that supported the Department's position. Mr. Akat spoke in his own behalf. Upon motion of Commissioner Jackson, the Board voted 4-1, Commissioner Engmann dissenting, to overrule the Department and reinstate the permit subject to the condition that the permit is suspended until July 1, 1985.

APPEAL NO. 85-079

EDWARD R. ZELAYA, dba "CAROUSEL BAR," vs. POLICE DEPARTMENT, Respondent

Revocation on March 29, 1985, of permit for mechanical amusement devices at 2737 Mission Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Department had recommended revocation of the permits, citing continuing police problems of a serious nature. Officer David Oberhoffer spoke in support of the Department's contention that the presence of the machines on the premises constituted an attractive nuisance for an undesirable element in the area. The appellant, Edward Zelaya, presented his case. He was supported by the testimony of customers and neighbors. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the Department and reinstate the permit subject to the condition that the amusement devices are subject to a six-month suspension starting with the effective date of this order.

APPEAL NO. V85-056

ANTON LUKEZIC, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on March 12, 1985, of Rear Yard Variance sought for property located at 159 Pope Street.

Commissioner McCarthy reported on the Site Inspection made by President Berg, Vice President McCarthy and Executive Director Feldman. The appellant responded to questions of the Board members. Upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department subject to the following Conditions: (1) that the appellant shall either plant a street tree as required under the tree planting provisions of Section 143 of the City Planning Code or shall build and maintain a planter box at the front of the property to provide landscaping; (2) that the utility room shown on the plans accompanying the Variance application and marked Exhibit A of said Variance (File No. 84.507V) located on the ground level of the proposed one-family house shall be used as part of the one-family house only and shall never be used as an unlawful second unit nor ever have cooking appliances, food preparation or any kitchen facilities installed in it; and (3) that the above Conditions shall be recorded in a Notice of Special Restrictions on the Land Records of the City and County of San Francisco on a form approved by the Zoning Administrator and that copies of said document after recordation shall be sent to the Board of Permit Appeals to be made a part of the permanent records of this matter.

APPEAL NO. 85-069

BARRY H. ROTH, M.D., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 21, 1985, to Joseph and Mary Uniacke, permit to erect a structure at 1085 Capp Street.

Mr. Robert Feldman, Executive Director, gave a summary of the Site Inspection he made that was also attended by Dr. Roth, Joseph Uniacke, Chief Building Inspector Don Lim and the permit holder's architect, William F. Heijn. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and grant the permit subject to the following conditions; (1) that the permit holder shall use reasonable diligence in moving the grapevine arbor, which straddles the rear side lot line of the protester's and the subject property, onto the protester's property in a manner that will insure the life of the vine; (2) that the permit holder shall be guided by the advice of the Bureau of Building Inspection in all excavation and foundation work so as to protect the property of the protester, a one-family house built in 1914 which has a basement below ground level; and (3) that the plans accompaning Building Permit Application No. 8313053 shall be revised to meet the City Planning Code as specified by the Zoning Administrator and that the bay windows shown on the front facade of the proposed building shall be changed from a squared design to an angled design so as to minimize their impact on the protester's house for pedestrians and drivers proceeding north on Capp Street.

APPEAL NO. 85-044

SUPER-7 WESTERN GASOLINE DIVISION, Appellant vs. DEPT. PUBLIC WORKS, Respondent FIRE PREVENTION BUREAU DISAPPROVAL

Denial on March 4, 1985, of permit to erect a structure at 599 South Van Ness Avenue.

Lt. Vincent Sullivan represented the Fire Department. He advised the Board that the position of the Department is that the sole occupancy of the subject property is a gasoline service station. The Fire Code does not allow other services to be provided on service station property. The appellant was represented by Gary T. LaFayette, Esq. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and grant the permit subject to the following conditions: (1) that the appellant shall, at all times, for the entire life-time of the uses keep all gasoline dispensing functions separate from the operation of the Convenience Store; (2) that the proposed store shall be constructed in compliance with the building plans accompanying Application No. 8407242, at least twenty feet away from the nearest gasoline dispensing nozzle as required by the San Francisco Fire Department; (3) that the appellant and its successors in interest shall operate the Convenience Store separately from the Service Station using separate sales staff and cashiers at all times; and (4) that the appellant shall record on the Land Records of the City and County of San Francisco a Notice of Special Restriction on a form acceptable to the Board of Permit Appeals containing these four conditions, and after recordation shall send copies of said document to the San Francisco Fire Department and to the Board of Permit Appeals for their permanent files in the matter.

APPEAL NO. 85-072

WILLIAM PAPOULIAS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 29, 1985, of permit to alter a building at 547 Dolores Street.

Mr. Don Lim represented the Bureau of Building Inspection. Mr. Robert Passmore, Zoning Administrator, spoke for the Department of City Planning. At issue is the appellant's wish to legalize a seventh unit in a building that the Department states has a legal occupancy of six dwelling units. The appellant was represented by Donald F. Atkinson, AIA. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 85-078

CAROLEE SCOORTIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on April 5, 1985, of permit to alter a building at 3880 Clay Street.

Mr. Don Lim represented the Department of Public Works. He advised the Board that it was the desire of the appellant to legalize a modified existing lot line window. The Code requires that the adjoining building owner give written consent for such opening. The consent was not forthcoming. The next door neighbor, Mr. Leonard Levy, was represented by James Stavoy, AIA. He spoke in support of the Department's position. Mr. and Mrs. Levy also spoke in support of the Department. The appellant, who was present, was represented by Stephen T. Lanctot, Esq. Upon motion of Commissioner Jackson, the Board voted 3-2 to uphold the Department with Commissioners Engmann and Guggenhime dissenting. The Department is upheld and the permit denied.

COMMISSIONER GUGGENHIME LEFT THE HEARING AT THIS POINT

APPEAL NO. 85-080

RALPH T. SKINNER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on April 8, 1985, of permit to alter a building at 2935-37 Fillmore Street.

Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. At issue is the legality of the third and fourth units in the building. The Department maintains that there is no evidence that the building was ever legally changed from its recorded two-unit status. The appellant was represented by Philip Siggins, Esq. Upon motion of Commissioner Engmann, the Board voted 3-1, with Commissioner Jackson dissenting, to uphold the Department and deny the permit.

There being no further business to come before the Board, President Berg adjourned the hearing at 9:15 p.m.

SPECIAL MEETING OF THE BOARD

Site Inspection at 159 Pope Street, Tuesday April 16, 1985, at 8 a.m., attended by President Berg, Vice President McCarthy and Executive Director Feldman.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
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M I N U T E S
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 24, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:08 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Commissioner Jackson arrived at 5:40 p.m.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore, Zoning Administrator, for the Department of City Planning; Doris Levine, Official Court Reporter and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Case Continued: Appeal No. V85-041, was continued to May 8, 1985.

Request for Jurisdiction Beyond the 10-Day Appeal Period: Letter from Cathy Fragola. There being no motion, the matter will not be heard.

Adoption of Findings of Fact: Appeal No. 85-032, upon motion of Vice President McCarthy, the Board voted 3-1, Commissioner Engmann dissenting, to adopt the Findings of Fact. President Berg had disqualified himself from sitting on this appeal due to a conflict of interest.

THE APPEALS WERE HEARD OUT OF REGULAR CALENDAR ORDER

APPEAL NO. 85-076

JOSEPHINE M. DeMARCO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on April 4, 1985, for work done at 2451 Thirty-third Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of dry rot repair, window replacement and back stair repair. The appellant was represented by Mark A. Shustoff, Esq. Upon motion of President Berg, the Board voted 3-1, Commissioner Guggenhime dissenting, to uphold the Department and sustain the penalty. Commissioner Engmann requested that the Executive Director and the Chief Building Inspector discuss legislative remedies for penalty cases involving Seniors and/or unsophisticated lay people and to make appropriate recommendations.

APPEAL NO. 85-083

STEPHEN CORREA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on April 15, 1985, for work done at 419-21st Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of rear stairs replacement and other minor work. The appellant spoke in his own behalf. Upon motion of Vice President McCarthy, the Board voted 4-0, Commissioner Jackson being absent, to uphold the Department and sustain the penalty.

APPEAL NO. 85-082

GEORGE L. NUNN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Denial on April 10, 1985, of permit to alter a building (awning) at 3398 Balboa Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the intent of the appellant's application is to install 21 feet of fixed awning over a commercial store. President Berg summarized the current and proposed legislation on awnings. Section 4506 (b) of the San Francisco Building Code specifically states that every awning shall be collapsible, retractable or capable of being folded against the face of the supporting building. Mr. Lim also advised the Board that the Building Code would probably be amended to allow nonretractable awnings. The appellant was present. Upon motion of President Berg, the Board voted 4-0, Commissioner Jackson being absent, to overrule the Department and grant the permit.

APPEAL NO. 85-081

HARRY H. GOLDFINGER, dba "OLIMPIA DELI," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 5, 1985, of permits for billiard parlor and four mechanical amusement devices at 1250 Market Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the granting of these permits would contribute to the deterioration of the neighborhood and be counterproductive to neighborhood improvement efforts. His position was supported by the testimony of Nancy Lenvin, Esq., Mr. Bernard Averbuch of the Market Street Project, Rosalyn Harrison, representing the Wells Fargo Bank. Ms. Melissa R. Toben and Ms. Gaelyn Godwin also spoke in support of the Department. (5:40 p.m., Commissioner Jackson arrived at the hearing.) The appellant, Mr. Goldfinger, spoke in his own behalf. He was supported by the testimony of Ms. Evelyn Evans, Mr. Kevin Richardson and Mr. Arden Luli. Upon motion of Vice President McCarthy, the Board voted 2-3 to uphold the Department, Commissioners Jackson, Guggenhime and Engmann dissenting. Four votes needed to overrule, the Department is upheld and the permits are denied.

APPEAL NO. V85-041

TITO PARTI, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on February 19, 1985, of Rear Yard Variance sought for property located at 2801 Union Street.

Mr. Robert Passmore, Zoning Administrator, spoke for the Department. He advised the Board that the reason the Variance was denied was that the appellant had failed to demonstrate that the five conditions necessary for granting the Variance had been met. The Department was supported by the testimony of Mrs. Jean Wanvig, who resides in a building adjacent along Baker Street to the appellant's property. Others who supported the Department were Mr. Bill Jackson, President of the Cow Hollow Association, Ms. Paige Healy, Annemarie Koenemann, Gerald Hainstock, Patricia Vaughey, and Larry Vollintine, Esq., who represented Mrs. Wanvig. A site inspection was scheduled for Tuesday, May 7, 1985, at 5:30 p.m. The Appeal will be scheduled for further hearing on May 8, 1985.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:14 p.m.

Jerry E. Berg, President

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 8, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:08 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Commissioner Jackson arrived at 5:40 p.m.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore, Zoning Administrator, for the Department of City Planning; Doris Levine, Official Court Reporter and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

1. Requests for Rehearing: There being no motion the following appeals will not be reheard: V85-056, V85-024, V85-067, V85-044, and 85-069. Upon motion of President Berg, the Board voted 5-0 to rehear Appeal No. 85-080.

2. Request that the Board take Jurisdiction beyond the 10-Day Appeal Period: Letter from Paul Lansdorf requesting the Board to assume jurisdiction over a penalty charge, there being no motion, the matter will not be heard.

3. Cases Continued: Appeal Nos. 85-077, 85-094, 85-095, 85-096, 85-097, 85-098, 85-065, and 85-086 were continued to May 15, 1985. Appeal No. 85-071 was continued to May 22, 1985. Appeal No. 85-092 was continued to June 12, 1985.

APPEAL NO. V85-041

TITO PATRI, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on February 19, 1985, of Rear Yard Variance sought for property located at 2801 Union Street.

Commissioner Engmann reported on the Site Inspection attended by all the Board members and Executive Director Feldman. Upon motion of President Berg, who explained his reasoning, the Board voted 5-0 to overrule the Department and grant the Variance subject to the following conditions: (1) that the appellant shall revise the plans for the addition in the rear yard so as to reduce the impact of the addition on the windows of the adjacent property to the south at 2651 Baker Street by the provisions of a six-foot lightwell extending from grade upwards to the roof with no overlapping obstructions projecting therein; (2) that the rooms in both additions shall never be converted unlawfully into a third dwelling unit nor into a commercial use in violation of the Planning Code or any

Appeal No. V85-041 (Continued)
other relevant City Code; (3) that the addition proposed along the west line of the subject property shall not be higher than the kitchen window sill of the dwelling at 2921 Union Street; (4) that no construction or obstructions of any sort, including but not limited to the items listed in Section 260(b) of the City Planning Code, shall extend higher than the roof line of the proposed two additions and the existing subject building, with the exception of landscaping and a security screen up to five feet above the roofline of the easterly additon and up to two feet, six inches on the existing building, with no construction or obstructions at all on the westerly side lot line adjacent to the property at 2921 Union Street; and (5) that these conditions shall be recorded as a Notice of Special Restrictions on the Land Records of the City and County of San Francisco on a form acceptable to the Zoning Administrator and that copies of said Notice, after recordation, shall be submitted to the Department of City Planning and to the Board of Permit Appeals to be made a part of the permanent files in this matter. The Board requested that complete Findings be prepared by counsel for the appellant from the entire record.

APPEAL NO. 85-090

PANFILO G. ARMAS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on April 23, 1985, for work done at 146 Granada Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of basement room construction, rear deck, and kitchen remodeling. The appellant, Mr. Armas, spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-1, Commissioner Engmann dissenting, to overrule the Department and reduce the penalty to $1,000, plus the regular fee of $262.65, for a total of $1,262.65 due to the Department.

APPEAL NO. 85-087

GAETON AND ROSALIE PARENTE, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on April 10, 1985, to George W. and Adele E. Ryst, permit to alter a building at 167 Twenty-sixth Avenue.

Mr. Robert Arkoff, a neighbor, represented the appellant and also spoke in his own behalf. He advised the Board that it was felt that the proposed construction was in the nature of a "spite fence" which would require both he and the Parentes to board up lot line windows. The permit holder was represented by Mr. Jack Scott. He advised the Board that his client did not require that the lot line windows be boarded up. He also stated that the permit holder was prepared to address the concerns of Mr. Arkoff regarding the affect of the proposed construction on his privacy. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and grant the permit subject to the condition that the plans be redrawn to provide a privacy screen on the proposed deck so that the view into Mr. Arkoff's yard from Mrs. Rysk's proposed deck be eliminated.

APPEAL NO. 85-089

HELEN ZARETSKY, dba "HELEN'S SEWING SCHOOL," Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 22, 1985, to Andriane Georgas, permit to alter a building at 812 Taraval Street.

Mr Clyde Lange, Esq., represented the appellant. He advised the Board that his client's landlady, the permit holder, had the option to discontinue the tenancy of the sewing school or apply for and obtain the necessary permits to legalize the tenancy of the sewing school. The Zoning Director, Mr. Robert Passmore, responded to questions of the Board. Before voting, the Board pointed out to Mr. Lange that it was within the province of the property owner to select that option most attractive to her. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 85-071

TALDAN INVESTMENT COMPANY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 26, 1985, to Southland Corporation, permit to alter a building (Imposition of Condition No. 9 of Planning Commission Motion 10134) at 2186-90 Union Street.

The appellant was represented by Timothy A. Tosta, Esq. He stated that the community opposition to this permit had been predicated on the appellant's wish to delete Condition No. 9 of the 15 Conditions listed by the City Planning Commission in their approval of the building permit application for the above property. Condition No. 9 provided that the basement of the building should be used for storage only; for use by the ground-floor tenants of the subject building or residents of the second story. However, Mr. Tosta advised the Board that the neighborhood groups had withdrawn their objections. Mr. Robert Passmore, Zoning Administrator, stated that in light of the diminished community concern, his department would not oppose the deletion of the above referenced Condition No. 9. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department with the stipulation that all the Conditions except No. 9 of Planning Commission Motion 10134 be included in the Building Permit application approval.

APPEAL NO. 85-084

GABRIEL B. MEADOWS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 9, 1985, to Bart Seidler, permit to erect a structure at 1831 Leavenworth Street.

The appellant, Mr. Meadows, advised the Board that the application for the Building permit did not contain any provisions for parking as required by the City Planning Code. He was supported by the testimony of architect Daniel Hillmer. Mr. Fredric Trester and Mr. Henry Wong also spoke in support of the appellant. Mr. Seidler, the permit holder, was represented by Mr. Harry Browning, Esq. Mr. Seidler, who responded to questions of the Board, was also supported by the testimony of Mr. Ted Aksnes, Mr. George Hofberg and Mr. James Slayton. Mr. Don Lim spoke for the Department of Public Works, and Mr. Robert Passmore for the Department of City Planning. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department with the condition that the required release of the pending permit by the old owner to the new owner be submitted to the Central Permit Bureau within three days of the effective date of this order.

APPEAL NO. 85-088

AMICK HARRISON ARCHITECTS & PLANNERS, vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 9, 1985, to Bart Seidler, permit to erect a structure at 1831 Leavenworth Street.

The appellant, Mr. H. Lynn Harrison, outlined to the Board his concern that architectual drawings prepared by his firm for one owner were being used by new owners of the above property without the permission of the appellant. Mr. Robert Passmore, Zoning Administrator, responded to questions of the Board. After a brief discussion, the Board advised the appellant that the Board of Permit Appeals was not the appropriate forum before which to seek redress of his grievance. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and grant the permit with the condition that the required release of the pending permit by the old owner to the new owner be submitted to the Central Permit Bureau within three days of the effective date of this order.

APPEAL NO. 85-086

IAN BERKE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on April 19, 1985, to alter a building at 2824 Clay Street.

Mr. Robert Passmore, Zoning Administrator, spoke for the Department of City Planning. At issue is construction in violation of a permit. The addition extends one foot into the rear yard area beyond that which was authorized by the Board last summer under Appeal No. 84-157. The Department was supported by the testimony of Dr. and Mrs. Breidenbach of 2218 Divisadero and their attorney Mr. Beryl B. Stolper. Mr. Berke spoke in his own behalf and was supported by the testimony of neighbors Ronald and Martha Sullivan. The Board scheduled a site inspection for Tuesday, May 14, 1985, at 5:30 p.m. The appeal was scheduled for further hearing on May 15, 1985.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:45 p.m.

SPECIAL MEETING OF THE BOARD

APPEAL NO. V85-041

Site Inspection at 2801 Union Street, Tuesday, May 7, 1985, at 5:30 p.m., attended by President Berg, Vice President McCarthy, Commissioners Jackson, Engmann and Guggenhime. Executive Director Feldman attended the inspection.

Jerry E. Berg, President

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 15, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:13 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore, Zoning Administrator for the Department of City Planning; Doris Levine, Official Court Reporter and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Cases Continued: Appeal No. 85-102 continued to May 22, 1985.

THE APPEALS WERE HEARD IN REGULAR CALENDAR ORDER

The first five appeals were heard together, subject matter being common to all.

APPEAL NO. 85-094

MISSION COMMUNITY COALITION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 18, 1985, to Gaehwiler Construction Company, permit to erect a structure at 3060 Folsom Street. APPLICATION NO. 8401152.

APPEAL NO. 85-095

MISSION COMMUNITY COALITION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 18, 1985, to Gaehwiler Construction Company, permit to erect a structure at 3080 Folsom Street. APPLICATION NO. 8401153.

APPEAL NO. 85-096

MISSION COMMUNITY COALITION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 18, 1985, to Gaehwiler Construction Company, permit to erect a structure at 1261 Shotwell Street. APPLICATION NO. 8401154.

APPEAL NO. 85-097

MISSION COMMUNITY COALITION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 18, 1985, to Gaehwiler Construction Company, permit to erect a structure at 3299 Twenty-sixth Street. APPLICATION NO. 8401155.

APPEAL NO. 85-098

MISSION COMMUNITY COALITION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 18, 1985, to Gaehwiler Construction Company, permit to erect a structure at 3251 Twenty-sixth Street. APPLICATION NO. 8401156.

Mr. David Levinson, member of the Mission Community Coalition, spoke for the appellant. The appellant's grounds for their appeal generally centered around the Project sponsor's alleged noncompliance with the conditions that were part of the Planning Commission's approval of the project. His position was supported by the testimony of Mr. Robert W. Weisblatt and Mr. Walter Park, the latter President of Independent Housing Services. Timothy Tosta, Esq., represented the permit holder. Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. Chief Building Inspector Don Lim responded to questions posed by the Board members. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and grant the permit. The Conditions imposed by the Planning Commission were incorporated by reference, and the decision to grant the permit is subject to the following additional conditions: (a) that the project sponsor shall provide 26 low moderate income units in compliance with Land Use/Density Condition No. 1; (b) the Project Sponsor has increased the size and configuration of the common open space in satisfaction of Design Condition No. 3; (c) the Project Sponsor maximize access for the handicapped and elderly in satisfaction of Design Condition No. 6; The project's parking facilities for the handicapped, bathroom facilities, provisions for grab-bars, and wall cabinet shelves will comply entirely with Title 24 regulations; (d) that the Project Sponsor considers all appropriate energy conservation measures and that they submit the required cost effectiveness report to the City Department that signs-off on that in satisfaction of the energy condition; and (e) a Notice of Special Restrictions under the Planning Code be recorded in the official records of the Recorder of the City and County of San Francisco regarding Conditions (a) and (c). (NOTE: The square footage of the open space is to be included in the findings that the Board asked Mr. Tosta to prepare.)

APPEAL NO. 85-086

IAN BERKE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on April 19, 1985, of permit to alter a building at 2824 Clay Street.

The appeal was continued from May 8, 1985. On May 14th a site inspection was made by all the Commissioners and Director Feldman. Vice President McCarthy reported on the site inspection. After discussion and upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department and grant the permit subject to the following conditions: (1) that the second story rear wall shall at no time in the future be extended beyond its present status in any respect whatsoever; (2) that should under any circumstances the tree in the rear yard at 2218 Divisadero have any dimunition in value, that it be replaced by the owner of 2824 Clay Street whoever that person may be, that the replacement value shall not exceed $6,000, to be escalated by the cost of living index as done in the San Francisco-Oakland Bay area on a yearly basis. And furthermore, that the owners of the property at 2824 Clay Street pay reasonable cost for the trimming of the tree to be undertaken immediately, said trimming and configuration not to exceed $1,000 in cost, and (3) that the condition with respect to any further expansion of the building be recorded against the property pursuant to the Planning Code and furthermore, that the condition that the owner of 2824 Clay Street be obliged to replace or repair the tree at the Divisadero property run with the land as a covenant to be recorded so that it protects the tree irrespective of who the owner of the property is. President Berg received an affirm-

APPEAL NO. 85-086

ative response from Mr. Berke, Dr. Breidenbach and the Zoning Administrator when he asked whether the parties accepted these conditions

APPEAL NO. 85-077

THO THI TRUONG, dba "BANGKOK ORIENTAL MASSAGE," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on March 26, 1985, of permit for massage establishment at 738 Larkin Street

Lawrence Wilson, Esq., represented the Police Department. He stated that the Vice Crimes Division had recommended revocation of the permit citing the appellant's arrest for prostitution, prostitution activities in her business establishment and employment of a known prostitute with a revoked Masseuse Permit. Mr. Wilson recommended to the Board that the permit be suspended rather than revoked. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and reinstate the permit subject to the condition that the permit be suspended for a 10-day period starting June 20, 1985 through June 30, 1985.

AT THIS POINT THE COURT REPORTER, DORIS LEVINE, SWORE IN THOSE WHO WERE TO TESTIFY IN THE FOLLOWING TWO POLICE CASES.

APPEAL NO. 85-099

PHUONG M. QUACH, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 22, 1985, of permit for Masseuse Trainee at 455 Ellis Street ("Mikado Japanese Massage").

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Vice Crimes Division contends that the character of the applicant is in question and for that reason recommended disapproval of the permit application. The appellant was represented by Sean C. Claymore, Esq. After discussion and upon motion of President Berg, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 85-100

JOANN THI VY, dba "FUJI'S MASSAGE," vs. POLICE DEPARTMENT, Respondent

Revocation on April 26, 1985, of permit for massage establishment at 585 Eddy Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Vice Crimes Division had recommended revocation of this permit, citing recurrent prostitution related activities in the appellant's establishment. The Department was supported by the testimony of Mr. Leonard Natou, property manager for rental units adjacent to 585 Eddy Street. The appellant was represented by Keith H. Stevens, Esq. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and revoke the permit.

APPEAL NO. 85-080

RALPH T. SKINNER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on April 8, 1985, of permit to alter a building at 2935-37 Fillmore Street.

Mr. Robert Passmore represented the Department of City Planning. At issue is the legalization of four units in a building that City Planning records indicate is a legal two-unit building. The permit holder was represented by Philip J. Siggins, Esq. Upon motion of Commissioner Jackson, the Board voted 2-3, President Berg, Vice President McCarthy, Commissioner Engmann dissenting, to overrule the Department and grant the

APPEAL NO. 85-080 (Continued)

permit. Four votes needed to overrule, the Department is upheld and the permit denied.

APPEAL NO. 85-101

ABELARDO M. ALBERTO, SR., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 7, 1985, for work done at 316 Delano Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of paneling, door repair, and book shelves in the living unit. The appellant spoke briefly in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the Department and reduce the penalty to $74.80, plus the regular fee of $74.80, for a total of $149.60 due to the Department.

APPEAL NO. 85-065

JUDITH LAUTER BAER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 15, 1985, to Mann and Stull, permit to erect a structure at 881 Wisconsin Street.

Prior to the hearing, the permit holders, Ms. Sally Mann and Mr. Patrick Stull, and the protest appellant, Ms. Judith Baer, attested to certain conditions. Vice President McCarthy advised the Board of these conditions. Mr. George Applegate, Esq., attorney for a Mr. Ben Spinks who occupies a cottage located on the property at 881 Wisconsin Street spoke in behalf of the rights of his client. President Berg noted to Mr. Applegate that that particular matter was not before the Board of Permit Appeals. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and grant the permit subject to the conditions attached to the decision released to the Departments.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:15 p.m.

SPECIAL MEETING OF THE BOARD

APPEAL NO. 85-086

SITE INSPECTION TUESDAY, May 14, 1985, at 5:30 p.m., at 2824 Clay Street, attended by President Berg, Vice President McCarthy, Commissioners Engmann and Guggenhime. Executive Director Feldman also was present.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 22, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:15 p.m.

Present were: President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Vice President McCarthy was absent.

Also present were: Chief Building Inspector Bob Kelley for the Department of Public Works; Ms. Nancy Gin for the Department of City Planning; Doris Levine, Official Court Reporter and Robert H. Feldman, Executive Director.

Before beginning the calendar, President Berg welcomed Ms. Angela Herman, a new member of the Board of Permit Appeals office staff.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

1. Request for Rehearing: Appeal No. V85-041. There being no motion, the matter will not be heard.

2. Request for Jurisdiction Beyond the 10-Day Appeal Period: Letter from Mr. Bert Van Loon. There being no motion, the matter will not be heard.

3. Adoption of Findings of Fact:

   Appeal No. V85-041. Upon motion of President Berg, the Board voted 4-0 to adopt the Findings of Fact.

   Appeal No. 85-094. Upon motion of President Berg, the Board voted 4-0 to adopt the Findings of Fact with the exception of the last sentence in Section (c) of Exhibit A ("From time to time...."). The Board asked that that particular sentence be deleted.

APPEAL NO. 85-325

ROOSEVELT CARRIE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on December 28, 1985, of permit to alter a building at 2075-89 Sutter Street.

The appellant, Mr. Carrie, spoke in his own behalf. In essence he asked the Board that he be allowed to complete his project as originally planned and approved. The Board had reference to materials submitted both by the appellant and the Bureau of Building Inspection. These materials included Findings of Fact supporting the Board's final decision. Chief Building Inspector Bob Kelley represented the Department of Public Works. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and grant the permit subject to the following conditions: (1) that the appellant

APPEAL NO. 84-325 (Continued)

install a gas fired Minitube System that will comply with Title 24; (2) that the project comply with the Ventilation requirements of the Building Code; (3) that the required Fire Sprinklers are installed; and (4) that the building comply with the Building Code Siasmic requirements to a reasonable degree of compliance.

APPEAL NO. 85-103

B. T. PALEY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 9, 1985, for work done at 38 Eighth Street.

Chief Building Inspector Bob Kelley advised the Board that the work done without a permit consists of mezzanine installation at the rear portion of a store. The appellant spoke in his own behalf. Upon motion of Commissioner Jackson, the Board voted 4-0 to overrule the Department and reduce the penalty to $500, plus the regular fee of $363.80, for a total of $863.80 due to the Department.

APPEAL NO. 85-106

PETER LANCE DWARES, Esq., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 2, 1985, to Mr. and Mrs. Weaver, permit to erect a structure at 312 Filbert Street.

Mr. Dwares advised the Board that more study of the impact of the project on the environment was indicated. Timothy Tosta, Esq., represented the permit holders. He was supported by the testimony of architect Donald McDonald. Ms. Debra Lerner of the Parks and Recreation Department spoke in support of the protest. President Berg asked that testimony be limited at this hearing as the case would be continued to allow for a site inspection on June 6, 1985 at 5:30 p.m. The case was continued to June 12, 1985.

APPEAL NO. 85-102

ARTHUR W. ADAMS, III, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on May 7, 1985, of permit to alter a building at 2014 Nineteenth Street.

Ms. Nancy Gin represented the Department of City Planning. She questioned the propriety of bringing this particular matter before the Board. She advised the Board that the proposed construction had been the subject of a variance application which had been denied and not appealed and that the proposal now before the Board would violate sections of the Building Code. She expressed the hope that the appellant was aware that the matter before the Board was the disapproval of the subject building permit and not the Variance matter. In response to questions posed by the Board, Director Feldman advised that a course of action available to the appellant would be to wait the required one year and then again go through the variance process or amend the current plans to meet the Building Code. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. V85-107

ROLANDO CANALES, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 3, 1985, of Rear Yard Variance sought for property located at 140 Richland Avenue.

Ms. Nancy Gin spoke for the Department of City Planning. She advised that the Variance request was part of a plan to legalize an existing structure. The Variance was denied as the Zoning Administrator determined that the facts of the case were insufficient to establish the required Five Findings. She also advised the Board that the building itself did not meet requirements of the Building Code. The appellant was present with his family. He was represented by Charles Stuart, Esq. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and deny the Variance. Commissioner Engmann advised the appellant that he would visit the site on Wednesday, May 29th, at 4:30 p.m. and he asked that Chief Building Inspector Bob Kelley and Inspector Charles Bishop meet him tnere. Commissioner Engmann wanted to get a first hand impression of the situation before the appellant's 10-day appeal period had expired.

APPEAL NO. V85-105

TIM AND JANET SARGENT, Appellants vs. ZONING ADMINISTRATOR, Respondent

Protesting Imposition of Condition in granting of Off-Street Parking Variance, on May 7, 1985, for property located at 329 Collingwood Street.

Mr. Sargent spoke in his own behalf. He advised the Board that the Imposition of the Condition would deprive him of his property rights. Ms. Nancy Gin, representing the Department of City Planning, responed to questions posed by the Board. She advised that in essence the Condition represented a device used by the Zoning Administrator to restrict the occupancy of a building if such occupancy would be deleterious to the neighborhood. Upon motion by Commissioner Engmann, the Board voted 2-2, Commissioners Jackson and Guggenhime dissenting, to uphold the Department and sustain the Condition imposed on the Variance. Four votes needed to overrule the Department, the Department is upheld and the Variance Condition sustained.

There being no further business to come before the Board, President Berg adjourned the hearing in memory of Robert C. Levy, Superintendent of the Bureau of Building Inspection, who died on May 14, 1985.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 12, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:16.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Richard J. Guggenhime

Commissioner Engmann was absent.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Robert W. Passmore, Zoning Administrator, for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

1. Requests for Rehearing: Regarding Appeal Nos. 85-094, 85-095, 85-096, 85-097, 85-098, V85-105 and 85-102, there being no motion, the matters will not be reheard. Regarding Appeal No. 85-086, the Board voted 4-0 to rehear. The matter was heard following the vote to grant the rehearing request (See case below). Regarding Appeal No. V85-107, the request for rehearing will be considered at the June 26th hearing.

2. Request for Jurisdiction Beyond the 10-Day Appeal Period: Letters from Mr. Ira Sandler and Mr. John Krause. There being no motion, the matter will not be heard.

3. Cases Continued: Appeal No. 85-106 was continued to the Call of the Chair. Appeal Nos. 85-123, 85-125 and V85-115 were continued to June 26, 1985.

4. Appeal Nos. 85-111 and 85-121 were withdrawn.

THE FOLLOWING APPEAL WAS NOT ON CALENDAR

APPEAL NO. 85-086

IAN BERKE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on April 19, 1985, of permit to alter a building at 2824 Clay Street.
APPLICATION NO. 8413321

The matter was heard on May 15, 1985. The appellant requested a rehearing which was granted on June 12, 1985. The appeal was heard following the granting of the rehearing. Upon motion of Vice President McCarthy, the Board voted 4-0 to overrule the Department and grant the permit subject to the following conditions: (1) That the second story rear

APPEAL NO. 85-086 (Continued)

wall shall at no time in the future be extended beyond its present dimensions in any respect whatsoever; (2) In order to compensate for the care and any future damage to the tree in the rear yard at 2218 Divisadero Street, that the appellant shall make an immediate payment of seven thousand dollars ($7,000) to the owner of the property at 2218 Divisadro, Dr. Warren C. Breidenbach; and (3) That Condition No 1 above with respect to any further expansion of the building shall be recorded as a Notice of Special Restrictions on the Land Records of the City and County of San Francisco and copies of said document, after recordation, shall be submitted to both the Zoning Administrator and to the Board of Permit Appeals to be made a part of the permanent files on this matter.

THE FOLLOWING APPEALS WERE HEARD IN REGULAR CALENDAR ORDER

APPEAL NO. 85-106

PETER LANCE DWARES, Esq., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 2, 1985, to Mr. and Mrs. Weaver, permit to erect a structure at 312 Filbert Street.

On June 6th the Board made a site visit to the property. The appellant was represented by Mr. Jerrold F. Petruzzelli. He advised the Board that the proposed construction was out of scale with the environment and would diminish the impact of historical Coit Tower. He was supported by the testimony of Ms. Jeanne Milligan, President, Telegraph Hill Dwellers, Ms. Deborah Learner, of the Recreation and Park Department, Mr. Herb Kosovitz, a neighbor and Ms. Betty Landis, a concerned citizen and member of the Open Space Advisory Committee of San Francisco. Timothy Tosta, Esq., represented the permit holder. He was supported by the testimony of Mr. Donald McDonald, the architect, and that of Mr. David Weaver, the permit holder. Mr. Robert Passmore, Zoning Administrator, spoke for the Department of City Planning. The Board asked that the concerned parties meet together to resolve their differences. Commissioners Engmann and Guggenhime would be available to participate in these meetings. The appeal will be heard again at the Call of the Chair.

APPEAL NO. 85-110

TERRY HARMS, Appellant vs. ARTS COMMISSION, Respondent

Revocation on May 7, 1985, of Street Artist's Certificate. CERTIFICATE NO. 2925.

Mr. Howard Lazar represented the Arts Commission. He advised the Board that the Street Artist's Program Committee had recommended that the appellant's certificate be revoked based on evidence that he had employed salespeople and conducted his business in a disorderly and improper manner. Mr. Lazar was supported by the testimony of Street Artists Ms. Lynn Vandeberg, Ms. Eunice Rodriques and Mr. Sun Shic Kim. The appellant was represented by John W. Baluss, Esq. Mr. Harms spoke in his own behalf. Upon motion of Commissioner Jackson, the Board voted 4-0 to overrule the Department and reinstate the permit subject to the Condition that the permit be suspended for six months.

APPEAL NO. 85-118

DEXTER E. WOODS, DBA "JUNETEENTH FESTIVAL COMMITTEE," Appellant vs. POLICE DEPARTMENT, Respondent

Protesting imposition of a Condition by the Police Department on May 20, 1985, for an Itinerant Show at O'Farrell Street between Fillmore and Steiner Streets.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Department had placed a 6 p.m. closing time on the carnival portion of the festival in order to avoid potential problems of a serious nature such as occurred at this festival in 1981. He was supported by the testimony of Commander Frank Jordon and Officer Raymond West. The Department was also supported by the testimony of Mr. Joseph Maher, Ms. Debra Crandall and Ms. Mary Jane Staymates, Chair of the Western Addition Neighborhood Association. The appellant, Mr. Dexter E. Woods, spoke in his own behalf. He was supported by the testimony of Ms. Mary Rogers, Ms. Mildred Burrell and Mr. Orville Wright. Upon motion of Commissioner Jackson, the Board voted 4-0 to overrule the Department and grant the permit subject to the following conditions: (1) That the Itinerant Show permitted by this permit shall conclude each of the four days it operates by 9:00 p.m.; (2) That the Festival Committee shall provide 22 Security Guards during the Festival who will remain on duty each day until one hour after the Itinerant Show concludes its operation for the day; (3) That the Festival Committee shall provide 30 trained Monitors to be on duty during the festival; and (4) That the San Franciso Police Department will provide five additional Police Officers to serve during this festival in addition to the regular Police contingent which serves the area.

APPEAL NO. 85-116

EFRAIM SHARABI, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on May 13, 1985, of Pushcart Peddler's Permit at the Corner of Southeast of Geary and Mason Streets.

Lawrence Wilson, Esq., represented the Police Department. The applicant was advised that the products that he wishes to sell do not comply with the Municipal Police Code. It was noted that two years ago the Board approved a permit to the appellant at this location to sell falafel as a pocket sandwich. The Department was supported by the testimony of Mr. William T. Pinecrest, owner of the Pinecrest resturant and also by by the operator of Lefty O'Douls Restaurant. The appellant was present and was represented by Roni Rotholz, Esq. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule and grant the permit subject to the condition that Falafel be the only product sold; and (2) the preparation of the falafel be in accordance with the Fire Code.

APPEAL NO. 85-117

JEFF MORLEY, D.D.S., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of a penalty on May 16, 1985, for work done at 1803 Union Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of a partition in an office space. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and reduce the penalty to $60.35, plus the regular fee of $60.35, for a total of $120.70 due to the Department.

APPEAL NO. 85-117

JOHN R. CUTTER, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Imposition of penalty on May 21, 1985, for work done at 503A Divisadero Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised that the work done without a permit consisted of floor demolition and installation of interior room walls. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and reduce the penalty to $118.15, plus the regular fee of $118.15, for a total of $236.30 due to the Department.

APPEAL NO. 85-122

RICHARD W. BLANZ, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Imposition of penalty on May 30, 1985, for work done at 1226 Church Street.

Chief Building Inspector Don Lim represented the Bureau of Building Inspection. He advised the Board that the work done without a permit consisted of the construction of a solar system. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and reduce the penalty to $118.15, plus the regular fee of $118.15, for a total of $236.30 due to the Department.

APPEAL NO. 85-109

COLLEEN G. LANG, APPELLANT vs. DEPT. PUBLIC WORKS, Respondent
DAHI APPROVAL
CITY PLANNING DISAPPROVAL

Denial on May 15, 1985, of permit to alter a building at 2936 Scott Street.

Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. The building currently contains eight dwelling units. The Department maintains that the building is a legal single family dwelling. The appellant spoke in her own behalf and was also represented by her architect, Richard E. Volland. Upon motion of President Berg, the Board voted 2 to 2, Commissioners Jackson and Guggenhime dissenting, to uphold the Department and deny the permit. Four votes needed to overrule, the Department is upheld and the permit denied.

APPEAL NO. 85-092

VERONICA TEDESCHI, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on April 26, 1985, of permit to erect a structure at 485 Thirty-fourth Avenue.

Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. He advised the Board that the zoning of the area is now NC-1, and the City Planning Commission felt that the proposed construction was not in keeping with the intent of the current zoning. The appellant spoke in her own behalf. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 85-120

PHILIP D. ESCUDERO, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Protesting issuance on May 22, 1985, to Teddy Hong, permit to alter a building at 88 Rossmoor Drive.

The appellant, Mr. Escudero, presented his case. He advised the Board that the proposed construction would block his view and be unsightly, and in addition, it would diminish the value of his property. Mr. William Lam represented the permit holder. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 85-113

VIVIAN LYNN HOLLEY, Esq., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 7, 1985, to Edwin E. Turrell, permit to alter a building at 200 Fair Oaks Street.

The appellant presented her case citing several instances of wrongdoing in the next-door construction. She was supported by the testimony of Mr. Marty Keller, who was described as her contractor. The permit holder, Mr. Edwin E. Turrell, was present. He was represented by Mr. Jack Park. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 85-114

MARY WORRALL AND PATIICIA HEALY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 10, 1985, to Carlos Napoleon Lucha, permit to alter a building at 122 Henry Street.

Mr. George Worrall spoke in behalf of the appellants. He advised the Board that the proposed construction would compromise the security of the appellant's property as well as constitute a fire hazard. The permit holder, Mr. Carlos Napoleon Lucha, spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 85-119A

CHUENG YUEN KWAN AND PETER C. KWAN, Appellants vs. DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 15, 1985, to William R. Casparis, permit to alter a building at 275 Mallorca Way.

The appellants were represented by Michael J. Kissinger, Esq. He advised the Board of his client's concern that the proposed construction would be deleterious to their property; in particular, it would make the maintenance of their wall difficult. The permit holder, Mr. William R. Casparis, responded to questions of the Board. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the Department and grant the permit.

EXECUTIVE SESSION
(Closed)

This Executive Session to discuss personnel matters as permitted by Government Code Sec. 54957 was held in Room 282 immediately following the regularly scheduled calendar. Present were President Berg, Vice President McCarthy, and Commissioners Jackson and Guggenhime. Commissioner Engmann was absent.

The regularly scheduled hearing was adjourned at 10:32 p.m.

DATE: June 12, 1985

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

SPECIAL MEETING OF THE BOARD

APPEAL NO. 85-106

SITE INSPECTION THURSDAY, June 6, 1985, at 5:30 p.m., at 312 Filbert Street, attended by President Berg, Vice President McCarthy, and Commissioners Engmann and Guggenhime.

BOARD OF PERMIT APPEALS
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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 26, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:08.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Commissioner Jackson was absent.

Also present were: Lawrence Wilson, Esq., for the Police Department; Ms. Nancy Gin and Mr. Thomas Casey for the Department of City Planning; Chief Building Inspector Don Lim for the Department of Public Works; Captain Gary Meltzer for the Fire Department; Doris Levine, Official Court Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

1. Requests for Rehearing: Regarding Appeal Nos. 85-119-A and 85-100; there being no motion, the matters will not be reheard. Appeal No. V85-107, upon motion of Commissioner Engmann, received a 4-0 vote to rehear. The consideration of rehearing for Appeal No. 85-113 was continued to July 17, 1985.

2. Request for Jurisdiction Beyond the 10-Day Appeal Period: Letter from Mr. Chiyeko Kimura. There being no motion, the matter will not be heard.

3. Appeals Continued: Appeal Nos. 85-133 and V85-129 were continued to July 17, 1985.

4. Appeals Withdrawn: Appeal Nos. 85-132 and 85-128 were withdrawn prior to the hearing.

THE FOLLOWING APPEALS WERE HEARD IN REGULAR CALENDAR ORDER

APPEAL NO. 85-134

CAROLINE T. MADDEN, Appellant vs POLICE DEPARTMENT, Respondent

Revocation on June 4, 1985, of Masseuse Permit at 585 Eddy Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the permit had been revoked upon recommendation of the Vice Crimes Division who cited an arrest for prostitution and another for aiding in the commission of a misdemeanor and obstructing an investigation. He was supported by the testimony of Officers Robert Colla and Daniel O'Shea. The appellant, who testified in her own behalf, was represented by Edna Henley, Esq. Upon motion of Vice President McCarthy, the Board voted 3-1, Commissioner Guggenhime dissenting, to uphold the Department and revoke the permit. Four votes needed to overrule, the Department is upheld and the permit revoked.

APPEAL NO. 85-130

KAYLEA BAKKER, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent
DAHI APPROVAL

Denial on June 12, 1985, of permit to alter a building at 704 Bush Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the appellant was appealing the requirements of Section 2106 (f) and Section 712 of the San Francisco Building Code. These sections speak to the construction of roof decks and doors, which the Department maintains the appellant has violated. Mr. Lim was supported by the testimony of Captain Gary Meltzer of the Fire Department. The appellant spoke in her own behalf. The Board had overruled the Department on a similar permit for this property in 1970 (Appeal No. 5860). Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and grant the permit subject to the following conditions: (1) That the deck shall be painted with a fire retardant paint each year; and (2) That commencing with July 1986, the appellant shall advise the Department of Public Works by letter that the fire retardant has been applied.

APPEAL NO. 85-135

CECIL HAYTER, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent
FIRE DEPARTMENT DISAPPROVAL

Denial on June 17, 1985, of permit to alter a building at 7100 Geary Boulevard.

Captain Gary Meltzer represented the Fire Department. He advised the Board that certain of the building's windows as presently constructed do not meet the requirements of the Building Code; in particular Section 3305(u) which speaks to the construction of fire escape windows. The appellant spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and deny the permit. They noted to the appellant that if he could work out a compromise plan that would be acceptable to the Fire Department, he should then request a rehearing within the 10-day appeal period.

APPEAL NO. 85-124

DANIEL PICCININI, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on May 3, 1985, of permit to alter a building at 381 Broadway.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the appellant is appealing the requirements of Section 503.1.A of the Housing Code which specifically requires that on each floor where private bathroom facilities are not provided, there shall be at least one water closet, one lavatory and one bath accessible for each ten guests or fraction thereof. The appellant spoke in his own behalf, introducing tenants who supported his position. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and grant the permit.

APPEAL NO. 85-126

JOHN LAW, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on May 28, 1985, of permit to erect a sign at 5255 Geary Boulevard.

The appellant, Mr. John Law, spoke in his own behalf. He advised the Board that due to a proposed, but not ratified change in the San Francisco Neighborhood Commercial Zoning Regulations, his application for a sign permit was denied. Ms. Nancy Gin represented the Department of City Planning. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 85-123

MICHAEL HELLER, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 22, 1985, to John Finley, permit to erect a structure at 419 Cabrillo Street.

Mr. Heller spoke in his own behalf. He advised the Board that he questioned the legality of the permit process that applied to the construction project. He was represented by Benjamin Kaplan, Esq. and was supported by the testimony of a neighbor, Mr. Joseph Champion. The permit holder was represented by Edward Prince, Esq. and was supported by the testimony of Cecilia Dalton, Esq. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. V85-115

ERNIE SELANDER, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 8, 1985, of Minimum Lot Area and Rear Yard Variance sought for property at 394-396 Diamond Street and 4100-21st Street.

The Department of City Planning was represented by Ms. Nancy Gin. She advised the Board that the granting of this Variance would lead to overcrowding of land, contrary to the purposes and intent of the City Planning Code. She was supported by the testimony of neighbors Ms. Kay Klumb and Mr. Hector Diaz. The property owner, Mr. Kip Howard, made a presentation of his case. Maria C. Pracher, Esq. and architect Ernie Selander testified in his behalf. The Board upon motion of Vice President McCarthy, voted 3-1, Commissioner Engmann dissenting, to overrule the Department and grant the permit with Conditions. Four votes needed to overrule, the Department is upheld and the Variance is denied.

APPEAL NO. V85-129

TED AKSNES, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 3, 1985, of Rear Yard Variance sought for property at 1628 Vallejo Street.

Jack Wholey, Esq. represented the appellant. Testimony was not taken on this matter. A Site Inspection was scheduled for Tuesday, July 16th at 5:30 p.m. The case was rescheduled for July 17, 1985.

APPEAL NO. 85-136

VINCENT & GLADYS REGE, Appellants vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated June 6, 1985, for property at 3038 Fillmore Street.

Ms. Nancy Gin spoke for the Department of City Planning. She advised the Board that the Planning Code doesn't permit signs on canopies at all and that the appellant was cited for the placement of a sign on a canopy without a permit. The sign was in Violation of Section 604 of the Planning Code which requires that a permit be obtained for changing copy on a sign. The appellants and their lessee, Le Thu Nguyen, were represented by Martin L. Lerner, Esq. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and sustain the Director's Order.

APPEAL NO. 85-138

ORANZA AND JOY D. WILEY, Appellants vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated June 11, 1985, for property at 530-540 Holloway Avenue.

Ms. Nancy Gin represented the Department of City Planning. She advised the Board that the Cease and Desist Order is based on the fact that the owner of the subject property is operating a commercial business illegally in a residential (RH-2) zone. She was supported by the testimony of Planner Thomas Casey. A neighbor, Mr. Jim Fellerman, also spoke in support of the Department. The appellant spoke in his own behalf. He was represented by Susan Kramer, Esq. Neighbors Mr. Earnest Oliver and Mr. Eddie L. Malone spoke in support of the appellant. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Director's Order to Cease Violation of the Planning Code.

There being no further business to come before the Board, President Berg adjourned the meeting at 8:04 p.m.

DATE: June 26, 1985

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 17, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:14 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

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Also present were: Lawrence Wilson, Esq., for the Police Department; Mr. Don Lim for the Department of Public Works; Mr. Robert W. Passmore, Zoning Administrator, for the Department of City Planning; Lt. Charles Farrell for the Fire Department; Doris Levine, Official Hearing Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

1. Requests for Rehearing: Appeal No. V85-115, upon motion of President Berg, the Board voted 5-0 to rehear the appeal. Appeal No. 85-135, upon motion of President Berg, th Board voted 5-0 to rehear the appeal. Appeal No. 85-109, consideration of this rehearing request was continued to July 31, 1985. Appeal No. 85-113, consideration of this hearing request was continued to July 24, 1985.

2. Request for Rehearing Beyond the 10-Day Appeal Period: Matter of Mr. Diamond Lim, upon motion of Vice President McCarthy, the Board voted 5-0 to take jurisdiction over the matter.

3. Request for Rehearing Beyond the 10-Day Rehearing Period: Matter of Ms. Phuong M. Quach, there being no motion, the request for rehearing fails for lack of motion.

THE FOLLOWING APPEAL WAS NOT ON THE REGULAR CALENDAR

APPEAL NO. 85-135

CECIL HAYTER, Respondent vs. DEPT. OF PUBLIC WORKS, Respondent
FIRE DEPARTMENT DISAPPROVAL

Denial on June 17, 1985, of Permit to Alter a Building at 7100 Geary Boulevard.

Request for rehearing granted at this hearing and the case was heard immediately following the vote to rehear. On June 24, 1985, the Board voted 4-0 to uphold the Department and deny the permit. The Fire Department was represented by Lt. Charles Farrell. The appellant appeared in his own behalf. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and grant the permit subject to the condition that the permit holder shall install token sprinkler heads to protect the fire escapes over windows onto the fire escapes on all but the top floor of the building so long as there is no occupancy of the roof area.

APPEAL NO. V85-107

ROLANDO CANALES, Appellant vs. ZONING ADMINISTRATOR, Appellant

Denial on May 3, 1985, of Rear Yard Variance sought for property located at 140 Richland Avenue.

Commissioner Engmann reported on the results of a private site inspection he made to the property. The appellant was represented by Charles Stuhr, Esq. The Department of City Planning was represented by Robert W. Passmore. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and grant the Variance subject to the following conditions:

1. That the existing addition into the rear yard shall be rebuilt to meet Building Code standards and shall extend only so far into the rear yard as shown on the plans accompanying the variance application up to the line of the rear wall of the room shown as a bedroom and that the sitting room as shown on said plans shall be deleted from the final plans. The unobstructed rear yard between the rear building wall and the rear property line shall be at least 30 feet, 3 inches. The space on the ground level below the bedroom may be enclosed and used as a room by the appellant contingent upon compliance with the Building Code; and

2. That the appellant shall remove any items presently stored in the garage which prevent use of the space for parking and shall maintain for the lifetime of the residential use of the subject building the existing parking space in the building, and shall use this space for the parking of his automobile, and that the use of this parking space in the garage as a storage area is hereby prohibited; and

3. That the appellant shall comply with such additional conditions as the Zoning Administrator shall deem necessary to meet the standards of the Planning Code and the policies of the Comprehensive Plan.

APPEAL NO. 85-143

DAVID MINEAR, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Imposition of penalty on June 26, 1985, for work done at 81 Jersey Street.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and reduce the penalty to $45.90, plus the regular fee of $45.90, for a total of $91.80 due to the Department.

APPEAL NO. 85-145

GEORGETTE PETROPOULOS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of a penalty on June 19, 1985, for work done at 656-39th Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant spoke in her own behalf. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the Department and reduce the penalty to $147.05, plus the regula fee of $147.05, for a total of $294.10 due to the Department.

APPEAL NO. 85-131

DIEP N. ROGMANS, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on June 4, 1985, of Masseuse Permit.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Vice Crimes Division feels that Ms. Rogmans had abused her permit by using it to conduct prostitution activity and requrests that the Masseuse Permit be revoked. The appellant was represented by Christopher C. Hall, Esq. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and reinstate the Permit subject to the following condition: That the permit be suspended for eight months effective October 30, 1984 and ending June 30, 1985.

APPEAL NO. 85-146

WILLIAM H. JONES, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Imposition of penalty on June 27, 1985, for work done at 2220 Sloat Boulevard.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant did not appear. Upon motion of President Berg, the Board voted 5-0 to concur with the Department and sustain the penalty.

APPEAL NO. 85-127

L. ROBERT BILLS, Appellant vs. POLICE DEPARTMENT, Respondent

Suspension on June 3, 1985, of Permits for Mechanical Amusement Devices, Billiard Parlor and Cabaret at 949 Market Street.

Doris Levine, Official Court Reporter, swore in all those who intended to testify in the Police Department cases that evening. Lawrence Wilson Esq., represented the Police Department. He advised the Board that Captain R. Forni, Southern Station, had recommended revocation of these permits, citing continuous narcotics traffic and other criminal activities in and around the premises. Captain Forni and Mr. Bernard Averbuch, Director of the Market Street Association, spoke in support of the Department. Mr. Brad Paul of the North of Market Coalition expressed his concept of the Palace Billiard Parlor's place in the community. The appellant was represented by Marc Seidenfeld, Esq. President Berg Berg continued this case to the hearing on July 31st. He directed the parties to meet together and design steps to be taken to prevent future occurrences of illegal activity. The case will be calendared for further hearing for July 24, 1985.

APPEAL NO. 85-133

LAN TRAN, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on June 4, 1985, of Masseuse Permit at 450-B Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Vice Crimes Division had recommended the revocation of the permit citing the solicitation of prostitution by the permit holder as the basis for their recommendation. Inspector Christopher Weld testified in support of the Department's position. The appellant, who was present, was represented by Edna Henley, Esq. Upon motion of Commissioner Jackson, the Board voted 5-0 to overrule the Department and reinstate the permit subject to the following conditions: (1) That the permit be suspended for a period of 90 days; and (2) That the appellant shall cooperate with the Police in giving information regarding her former empolyer.

APPEAL NO. 85-139

BARBARA R. MERSCHEN, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on June 12, 1985, of Masseuse Permit at 483 Broadway Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that Vice Crimes had recommended that the permit be denied based on the belief that the applicant's character is in question. Police Inspector Christopher Weld, and Officers Davis and O'Shea spoke in support of the Department. The appellant, who spoke in her own behalf, was represented by Eric M. Safire, Esq. Upon motion of Commissioner Engmann, the Board voted 3-2 to overrule the Department and grant the permit. Four votes needed to overrule, the Department is upheld and the permit denied. (McCarthy & Jackson dissenting)

APPEAL NO. 85-151

JOHN H. CAPMAN, dba "WRITER'S BOOKSTORE, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on July 1, 1985, of Second Hand Dealer's Permit at 2848 Webster Street.

The Official Court Reporter, Doris Levine, swore in those who were to give testimony in this matter. Lawrence Wilson, Esq., represented the Police Department. He advised the Board that undercover agents of the Fencing Section had testified the appellant had purchased books that he knew were stolen. The appellant was also cited for not keeping proper records. Officer Honish and Mr. Svein Arber, a representative of the Northern California Book Seller's Association, spoke in support of the Department. Mr. Capman spoke in his own behalf. He was supported by the testimony of Mr. H. Scwartz, the former owner. Upon motion of Commissioner Jackson, the Board voted 3-2 to overrule the Department and reinstate the permit. Four votes needed to overrule, the Department is upheld and the permit revoked. Mr. Wilson said that the shop could continue to operate with review copies but not with used books bought from people off the street.

APPEAL NO. 85-140

JACK REISNER, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on June 20, 1985, of Permit to Alter a Building at 1285-8th Avenue.

Mr. Robert W. Passmore, the Zoning Administrator, represented the Department of City Planning. He advised the Board that the appellant had been unable to establish the legality of a ninth dwelling unit in the building. The appellant, who spoke in his own behalf, was represented by his contractor John M. Decker. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 85-144

COMMON SCENTS AND NEWS ON 24, Appellants vs. DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on June 24, 1985, of Permit to Alter a Building at 3920-24th Street (Awning).

Mr. Robert Passmore represented the Department of City Planning. He advised the Board that the appellant had requested a permit to erect an awning. The application was disapproved as the Code does not allow awnings in RC-1 (Residential Commercial) Districts per Section 136(c)12. The appellant spoke in his own behalf and was supported by the testimony of Ms. Helen Norris and Mr. Dunkin Win. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and deny the permit with the recommendation the appellant seek legislative relief.

APPEAL NO. 85-150

MELCHOR SATUITO, Appellant — DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on July 1, 1985, of Permit to Erect a Sign at 5809 Mission Street.

Mr. Robert Passmore represented the Department of City Planning. He advised the Board that the appellant had an existing sign that he would like to move to the above location. The application was disapproved per Section 607.1(d)4c of the Interim Neighborhood Commercial Controls. The appellant, Mr. Satuito, spoke in his own behalf and was supported by the testimony of Mr. Robert Lewis of the Imperial Sign Company. Upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department and grant the permit subject to the following conditions: (1) That the two surfaces of the sign shall be joined together and at no point be more than two feet apart so that it may be deemed one sign under the Planning Code; and (2) That it shall not project more than 6 feet, 6 inches over the sidewalk.

APPEAL NO. 85-152

SAN FRANCISCO NEON, INC., Appellant vs. DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on July 2, 1985, of permit to erect a sign at 644 Broadway.

Mr. Robert Passmore represented the Department of City Planning. He advised that Zoning regulations do not allow the sign to extend more than 24 feet above the ground. Mr. Burton Ladensohn represented San Francisco Neon, Inc. He was supported by Conrad Donner, attorney for the Ocean City Restaurant, lessee of the property. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 85-141

145 LAUREL TENANTS ASSOCIATION, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent
DAHI APPROVAL

Protesting issuance on June 11, 1985, to Friedman Association, Permit to Alter a Building at 145 Laurel Street.

Michael Mendelson, Esq. represented the appellants. He advised the Board that the building owner was doing work which violated the Building Code. He was supported by the testimony of Mr. Fiegler, a tenant of the above property. The permit holder was represented by Mr. Anderson of the Jack Scott Associates. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to uphold the Department and grant the permit subject to the following conditions: (1) That the permit holder shall cure the defect in Building Permit Application No. 8505291 by completing said form with the California Contractor's License Number for the contractor listed therein as required by the Business and Professions Code Sec. 7031.5; (2) That evidence of the fulfillment of Condition No. 1 shall be submitted in written form to the Superintendent of the Bureau of Building Inspection and to the Board of Permit Appeals at their respective offices within two days of the date of this decision and not later than 5:00 p.m., Friday, July 19, 1985; and (3) That any work carried on under Application No. 8505291 shall be done only between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday, and not on Saturday or Sunday; and (4) That every effort shall be made by the permit holder and his constractors

APPEAL NO. V85-141(Continued)

and subcontractors to minimize the noise, dust and disturbance to the tenants of the building during the completion of the work under this application so as to maintain a safe and clean premises for their use; and (5) That the permit holder shall give written notice to the protester tenant's association of any building permit applications made in the future before filing with the Central Permit Bureau in order to maintain and improve the communications between the parties.

APPEAL NO. 85-154

JAMES D. JACOBITZ, M.D., Appellant vs. DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 1, 1985, to Purificacion DeOcampo, Permit to Alter a Building at 3070-22nd Street.

The appellant spoke in his own behalf. He advised the Board that the proposed construction did not comply with the Planning Code's Rear Yard provisions. The permit holder was represented by Architect Fredric C. Divine. Chief Building Inspector Don Lim advised the Board that he would have the measurements of the rear yard intrusion checked to establish that they comply with the Code. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 85-155

JOEL MORGENSTERN AND SANFORD GOLDEEN, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting Imposition of Condition No. 1 by Department of City Planning on June 27, 1985, attached to Approval of Permit to Alter a Building at 2804 Octavia Street. (Motion No. 8408847: Condition No. 1 required that the ground floor be used for two parking spaces with no retail.)

Mr. Robert Passmore represented the Department of City Planning. He advised that the Department had granted the approval of the conversion of the upper story of the building to office use but disapproved ground level conversion to retail use as Condition No 1 of the decision. The appellant, Mr. Sanford Goldeen, who spoke in his own behalf, was represented by Maria Pracher, Esq. Upon motion of President Berg, the Board voted 4-1, Commissioner Jackson dissenting, to overrule the Department and cancel the Condition. Four votes needed to overrule, the Department is overruled and the Condition eliminated. President Berg asked that counsel prepare findings and submit them for adoption.

APPEAL NO. V85-129

TED AKSNES, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 31, 1985, for Rear Yard Variance sought for property at 1628 Vallejo Street.

Vice President McCarthy summarized the Site Inspection held on July 16th. Mr. Robert Passmore represented the Department of City Planning. He advised the Board that the proposal is to establish the legal use of a fourth story addition, constructed without permit. The appellant was present and was represented by Jack Wholey, Esq. Upon motion of Vice President McCarthy, the Board voted 4-1, Commissioner Jackson dissenting, to overrule the Department and grant the Variance.

APPEAL NO. V85-149

JAMES J. HARRISON, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 21, 1985, of Rear Yard Variance sought for property located at 212 States Street.

Mr. Robert Passmore represented the Department of City Planning. Mr. Harrison, who was present, was represented by Bruce Lymburn, Esq. Mr. Peter Boulware spoke briefly in support of the Department. Testimony was minimal. The Board scheduled a site inspection for Monday, July 22nd at 5:30, and rescheduled the appeal for further hearing on July 24, 1985.

There being no further business to come before the Board, President Berg adjourned the hearing at 11:12 p.m.

SPECIAL MEETING OF THE BOARD

APPEAL NO. V85-129

SITE INSPECTION MONDAY at July 22, 1985, at 5:30 p.m., at 1628 Vallejo Street, attended by President Berg, Vice President McCarthy, and Director Feldman.

DATE: July 17, 1985

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Vice President

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 24, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:17 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were: Mr. Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert W. Passmore, Zoning Administrator, for the Department of City Planning; Lt. Charles Farrell for the Fire Department; Ms. Doris Levine, Official Court Reporter; and Mr. Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

REQUESTS FOR REHEARINGS: Regarding Appeal No. 85-113, there being no motion, the matter will not be reheard. Regarding Appeal No. V85-146, upon motion of President Berg, the Board voted 5-0 to rehear.

REQUEST THAT THE BOARD TAKE JURISDICTION BEYOND THE 10-DAY APPEAL PERIOD

Letter from Ms. Siu J. Lee, there being no motion, the matter will not be heard.

ADOPTION OF FINDINGS OF FACT:

2804 Octavia Street, Appeal No. 85-155: This case was heard July 17, 1985. Consideration of this matter was continued to the hearing of July 24th to clarify from the transcript the issue of 'office use'.

APPEALS CONTINUED: Appeal Nos. V85-149, 85-127, 85-164, and 85-163 were continued to July 31, 1985.

APPEAL WITHDRAWN: Appeal No. 85-162 was withdrawn prior to the hearing.

APPEAL NO. V85-149

JAMES J. HARRISON, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 20, 1985, of rear yard variance sought for property located at 212 States Street.

On July 22nd the Board members held a site inspection at the property which was attended by President Berg, Commissioner Jackson, Director Feldman, Mr. Robert Passmore and Mr. Barry Pearl of the Planning Department. Mr. Passmore advised the Board again that the

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facts of this case did not support the findings. In essence, he stated the granting of this variance would be inconsistant with the policies and objectives of the Urban Design element of the Master Plan. Mr. Harrison, the appellant, and his attorney Bruce Lymburn responded to questions of the Board. President Berg continued the case for one week to the 31st of July. He requested that the appellant show the revised plans to the concerned neighbors and enlist their support if possible.

APPEAL NO. 85-137

PHILIP D. SKINNER dba "TIFFANI'S MASSAGE STUDIO," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on June 12, 1985, of Massage Permit at 483 Broadway Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Vice Crimes Division had recommended the revocation of the permit due to numerous violations of the Police Code. The appellant was represented by Margaret Ryan, Esq., who presented Robert L. Marshall, a certified polygraph specialist, who testified for the appellant, as well as Denise Williams, an employee of the appellant. The appellant responded to questions of the Board. Upon motion of Vice President McCarthy, the Board voted 4-1 (Commissioner Jackson dissenting) to concur with the department and revoke the permit.

THE FOLLOWING APPEALS, HAVING COMMON SUBJECT MATTER, WERE HEARD TOGETHER

APPEAL NOS. 85-157 thru 85-176

The substance of the deicsion or order appealed from is the revocation on July 3, 1985, of Peddler's Permits assigned to the appellants listed as follows:

NAMES	LOCATION	APPEAL NOS.	NAME	LOCATION	APPEAL NOS.
Wm. C. Lee	1145 Stockton St.	85-157	Bong Kwan	1120 Stockton St.	85-169
A.K. Phan	1201 Stockton St.	85-158	M. Kung	Pacific/Stockton	85-170
Nu Phan	1199 Stockton St.	85-159	H.Y.P. Chea	1199 Stockton St.	85-171
K.P. Uong	1151 Stockton St.	85-160	M.A. Luu	899 Washington St.	85-172
W.C. Lee	Stockton/Jackson	85-161	K.K. Soon	Grant/Jackson	85-173
Siu Kwan	Kearny/Washington	85-166	K.L. Tam	1207 Stockton St.	85-174
K. C. Wu	Pacific/Stockton	85-167	Sam Tran	C. Washington/Grant	85-175
Ngan H. Wu	NW.C.Jackson/Grant	85-168	J.Y. Lau	Pacific Ave.-Meter 741	85-176

Lawrence Wilson, Esq., represented the Police Department. He presented a historical review of the issue and stated the department's position. Appellant Mr. William C. Lee spoke in his own behalf, and presented his son, a veteran, to the Board. Appellant Mr. Wah Chun Lee was represented by attorneys Joseph A. Filippelli and Louis Hop Lee. Appellants Anh K. Phan, Nu Phan and Kim P. Wong were represented by Joseph A. Filippelli, Esq. Appellants in Appeals Nos. 85-166 thru 85-176 were represented by Louis Hop Lee, Esq. After discussion, and upon motion of Commissioner Guggenhime, the Board voted 5-0 to uphold the department subject to the following conditions: (1) that these peddlers permits be revoked effective December 31, 1985 at the locations specified in the complaints; and (2) that the appellants may file an application without any fee with the San Francisco Police Department for new locations and are in compliance with all City Codes by November 30, 1985.

APPEAL NO. 85-163

ROLF WHEELER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 2, 1985, to Dennis Hathaway, permit to erect a structure at 49-51 Uranus Terrace.

The appellant, who was present, was represented by Alice Barkley, Esq. The permit holder, Mr. Dennis Hathaway, was also present and was represented by John D. Newman, Esq. After brief testimony, a site inspection was scheduled for Tuesday, July 30th at 5:30 p.m.; all parties were invited to be present. The appeal was recalendared for the hearing of July 31, 1985.

APPEAL NO. 85-165

NORA U. LARA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 3, 1985, to Joseph and Cecilia Tsu, permit to demolish a building at 6147 Geary Boulevard.

The appellant, Ms. Lara, spoke in her own behalf. She advised the Board that she felt that proposed construction and subsequent operation of a restaurant would fill her house with fumes that would endanger her health. The permit holders advised the Board that their ventilation plans would preclude any polution problems as envisioned by the appellant. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the department and grant the permit.

APPEAL NO. V85-119

FRANK ALLEN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 14, 1985, of rear yard variance sought for property located at 467 Texas Street.

Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. He advised the Board that granting of the variance request would be contrary to the purposes and intent of the Planning Code and would be inconsistant with the policies and objectives of the Urban Design element of the Comprehensive Plan. The department was supported by the testimony of Mr. Gary Moore, a neighbor of the appellant. The appellant was present with his family. He was represented by Robert A. Ward, Esq. Upon motion of Commissioner Jackson, the Board voted 3-2 (President Berg and Commissioner Engmann dissenting) to overrule the department and grant the variance. Four votes needed to overrule, the department is upheld and the variance denied.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:02 p.m.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:02 p.m.

SPECIAL MEETING OF THE BOARD

APPEAL NO. V85-149

SITE INSPECTION, MONDAY, JULY 22, 1985, at 212 States Street, at 5:30 p.m. Attended by President Berg, Commissioner Jackson, Director Feldman, and from the Department of City Planning, Mr. Robert Passmore and Mr. Barry Pearl.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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BOARD OF PERMIT APPEALS

CITY AND COUNTY OF SAN FRANCISCO
ABATEMENT APPEALS BOARD AND FRANCHISE TAX HEARING
MINUTES OF HEARING NO. 277
WEDNESDAY, JULY 24, 1985 AT 1:30 P.M.
ROOM 282, CITY HALL

BOARD MEMBERS PRESENT

Mr. Omar Saleh, Chairperson
Mr. William M. Abend
Mr. Charles A. Bell

BUREAU OF BUILDING INSPECTION REPRESENTED BY:

Mr. Oliver McCabe
Mr. Jeffrey Ma

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BOARD MEMBER ABSENT

Ms. Shirley C. Yawitz
Mr. Danny Flores

ABATEMENT APPEALS — INSPECTOR

#6094 — 2151 Laguna Street — W. Schock
2151 Laguna Homeowners' Association
c/o Michael E. Howard
Present: M. Howard, Pres. of the Assn.
William Coleman

DECISION: The APPEAL IS GRANTED. Appellant is relieved from the requirement of installing a locking or non-tamperable temperature-sensing device PROVIDED, the unit is OWNER-OCCUPIED. This decision is to be recorded at the Recorder Office.

FINDING: No life hazards exist. Unit is occupied by owner.

#6098 — 4253-57 18th St. — F. Pizzinelli
Kenneth Partin & Alfred H. Cassidy
(Absent)

DECISION: Appellant being absent, the APPEAL IS AUTOMATICALLY DENIED. The Order of the Director is upheld.

#6099 — 800 Grant Avenue — Parapet - J. Ma
Louie Quin Fay
Represented by: John Chan

DECISION: Hearing of this case is CONTINUED sixty (60) days, on September 25, 1985 at 1:30 p.m.

#6100 — 246 McAllister — R. Torres-Gil
Peter Bullock
(Present)

DECISION: The APPEAL IS DENIED. The Condemnation Order based on Division of Apartment & Hotel Inspection report of May 23, 1984 is upheld.

FINDING: Permit application for sprinkler in lieu of 1 hour fire separation between business and residential use of the building was not approved.

#6101 — 2160 Market St. — F. Pizzinelli
Patel Lallubhai B. & Sitaben
Represented by: Prekash Patel

DECISION: The APPEAL IS DENIED with the proviso that if the doors are 3/8 of an inch in their least dimension, appellant does not have to comply with the Director's Order.

Building inspector is to re-inspect the doors in question, and verify the thickness of the door panels.

#6102 — 2271-2275 Union St. — W. Schock
Harvey V. Berneking
Present: H. Berneking
L. D. Gavin, Architect

DECISION: The APPEAL IS DENIED. The Order of Abatement of the Director of Public Works is upheld.

#6103 — 81 7th Avenue — P. Redmond
Emmy Papazian Trustee
Present: Russ Watson

DECISION: The APPEAL IS DENIED. The Order of the Director is upheld.

ABATEMENT APPEALS CONTINUANCE

#6082 — 1105 Bush Street — C. Stranzl
Guenter Kaussen
c/o Robert L. Rankin
(Present)

DECISION: The APPEAL IS GRANTED with the proviso that the work required is completed within thirty (30) days.

FINDINGS: Life hazards exist. Electrical panels are hazardous and oversized fuses, but work is in progress.

ABATEMENT APPEALS REHEARING (Upon owner's request)

#6087 — 3156 San Jose Avenue — R. Wu
Juanito & Teofila Madrellejos
Present: Juanito Madrellejos

DECISION: The APPEAL IS DENIED. The Order of the Director is upheld.

FRANCHISE TAX HEARING

#1827 — 625 Ashbury St. — E. Tom
Jerry & Eva Bernstein
c/o Steven Brown
(Present)

DECISION: The APPEAL IS GRANTED with the proviso that the required work is completed within sixty (60) days from date hereof. Franchise Tax Board is to be notified if corrective work is not done within 60 days.

FINDING: Substantial corrective work is in progress but appellant still needs more time for the plumbing work to be inspected and approved.

#1828 — 144-48 Clinton Park — F. Pizzinelli
Victor Dei Rossi
(Absent)

DECISION: Appellant being absent, the APPEAL IS AUTOMATICALLY DENIED. Franchise Tax Board is to be notified of the Code violations.

FINDING: Owner has permit but work progress is very slow.

#1829 — 343 Frederick St. — RAP - J. Greene
Anne Fisher
(Present)

DECISION: The APPEAL IS DENIED. Franchise Tax Board is to be notified of the Building Code violations.

FINDING: Life hazards exist. No work in progress.

#1830 — 280-284 Frederick St. — RAP - J. Greene
Douglas C. Hall
(Present)

DECISION: The APPEAL IS GRANTED with the proviso that all required work is completed within one-hundred eighty (180) days. Franchise Tax Board is to be notified if corrective work is not done within 180 days.

FINDING: Application for Building Permit is still in process; back stairway needs to be replaced and other maintenance and plumbing work need to be done.

#1831 — 1215-19 Waller St. — RAP - J. Greene
William Lee Roberts
(Present)

DECISION: The APPEAL IS GRANTED with the proviso that all required work is completed within one-hundred eighty (180) days from date hereof. Franchise Tax Board is to be notified if corrective work is not done within 180 days.

#1832 — 631 O'Farrell St. #1211 — RAP - J. Greene
Rufino A. & Susan Guillermo
c/o Francisco M. Liboro
(Present)

DECISION: The APPEAL IS GRANTED with the proviso that all required work is completed in ninety (90) days. Franchise Tax Board is to be notified if required work is not done within 90 days.

FRANCHISE TAX BOARD CONTINUANCE

#1820 — 573 South Van Ness Avenue — S. Toy
Robert A. Imhoff
c/o Bob Stein
Present: Robert Imhoff

DECISION: The APPEAL IS DENIED. Franchise Tax Board is to be notified of the Code violations.

FINDING: Life hazards exist. Case is with City Attorney for legal action. Permit is on hold in City Planning since November 1984.

#1804 — 1105 Bush Street — C. Stranzl
Guenter Kaussen Properties
c/o Robert L. Rankin
(Present)

DECISION: The APPEAL IS GRANTED with the proviso that all required work is completed in thirty (30) days from date hereof. Franchise Tax Board is to be notified of the Code violations if corrective work is not done in 30 days.

Bernard A. Cummings
Secretary

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 31, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:13 p.m.

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Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were: Lawrence Wilson, Esq., for the Police Department; Chief Building Inspector Don Lim for the Department of Public Works; Nancy Gin for the Department of City Planning; Ms. Doris Levine, Official Hearing Reporter; and Mr. Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

REQUESTS FOR REHEARING: Appeal No. 85-109, there being no motion, the matter will not be heard. Appeal No. 85-139, upon motion of Commissioner Guggenhime, the Board voted 3-2, President Berg and Vice President McCarthy dissenting, to rehear the appeal. Four votes being necessary, the appeal will not be reheard. Appeal No. V85-140, upon motion of Commissioner Jackson, the Board voted 5-0 to rehear the appeal. Regarding Appeal No. V85-119, upon motion of Commissioner Jackson, the Board voted 5-0 to rehear the appeal.

ADOPTION OF FINDINGS OF FACT: Regarding Appeal No. 85-155, upon motion of Vice President McCarthy, the Board voted 4-1, Commissioner Engmann dissenting, to adopt the findings. Regarding Appeal No. V85-148, upon motion of Vice President McCarthy, the Board voted 4-0 to adopt the findings, President Berg abstained due a conflict of interest. Regarding Appeal No. V85-129, the Board upon motion of President Berg voted 5-0 to adopt the findings of fact.

APPEALS CONTINUED: Appeal Nos. 85-164, 85-177 and 85-183 were continued to August 14, 1985.

APPEALS WITHDRAWN: President Berg announced that Appeal No. 85-156 had been withdrawn.

APPEAL NO. V85-149

JAMES J. HARRISON, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 20, 1985, of rear yard variance sought for property located at 212 States Street.

President Berg advised that he did not want to take any further testimony in the matter, except for answers to specific questions of the Board. Bruce Lymburn, Esq. representing the appellant and Ms. Nancy Gin, representing the Department of City Planning, responded to questions of the Board. Ms. Jo Wheeler, a neighbor, who had not spoken at the last hearing, spoke in support of the Department's position. Upon motion of President Berg, the Board voted 4-1, Commissioner Engmann dissenting, to overrule the Department and grant the variance subject to the following conditions: (1) The applicant will consult with a registered engineer for the purpose of designing a retaining wall and drainage system

APPEAL NO. V85-149 (CONTINUED)

that would alleviate to the greatest extent possible certain slope instability problems on the subject lot. Based on the engineer's design, the Applicant will construct and maintain in good condition a system of retaining walls and a drainage system on the lot. This condition shall be recorded in the land records of the subject lot as a Notice of Special Restrictions, to be approved as to form by the Executive Director of the Board of Permit Appeals. Copies of recorded Notices shall be given to the Zoning Administrator and to the Board of Permit Appeals; (2) The Applicant will implement a program of landscaping that will include planting trees along the top of the subject lot along Museum Way, and will implement a system of landscaping in the open space between the two structures on the lot. In addition, the Applicant will be required to maintain the existing and new trees at the top of the lot. Before implementing such a plan of landscaping, the Applicant will submit landscaping plans to the Executive Director of the Board of Permit Appeals. The Executive Director will review such plans and shall have the power to approve them if they conform with the intent of the Board in granting this variance. This condition shall be recorded in the land records of the subject lot as a Notice of Special Restrictions, to be approved as to form by the Executive Director of the Board of Permit Appeals. Copies of recorded Notices shall be given to the Zoning Administrator and to the Board of Permit Appeals; (3) The structure built in accordance with the variance will be in substantial conformance with the revised plans submitted by the Applicant to the Board of Permit Appeals, and such structure shall have a front elevation of no more than twelve feet above Museum Way.

APPEAL NO. 85-163

ROLF WHEELER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 2, 1985, to Dennis Hathaway, permit to erect a structure at 49-51 Uranus Terrace.

Commissioner Engmann reported on the site inspection attended by himself, President Berg and Director Feldman. The appellant, who was represented by Alice Barkley, Esq., spoke in his own behalf. He was supported by the testimony of Mr. Charles Shaffer and Mr. Ron Madison. The permit holder was represented by John Newman, Esq. Mr. Dennis Hathaway, the permit holder's architect, responded to questions of the Board. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to uphold the Department and grant the variance subject to the following conditions: (1) The permit holder shall completely remove the fire stair enclosure on the roof; (2) The permit holder shall completely remove the mechanical penthouse enclosure adjacent to the fire stair enclosure; (3) the permit holder shall completely remove the roof deck and corresponding open railings; (4) the permit holder shall limit construction activity to weekdays after 8 a.m. and before 6 p.m.; (5) During excavation, unpaved demolition and construction areas on the lot shall be wetted-down with water as needed to reduce particulate emissions; (6) The permit holder shall remove demolition debris from the rear yard area of the lot; (7) Construction vehicles used during construction shall not obstruct the driveways of nearby residences; and (8) The permit holder shall plant one tree in a planter box area in front of the entrance to the building and another tree to the right of the garage facing the building.

APPEAL NO. V85-115

ERNIE SELANDER, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 8, 1985, of minimum lot area and rear yard variance sought for property located at 394-396 Diamond Street.

This matter was a rehearing granted by the Board on July 17, 1985. Maria Pracher, Esq., representing the appellant, submitted a brief supporting the appellant. No testimony was taken. Upon motion of Commissioner Jackson, the Board voted 4-1, Commissioner Engmann dissenting, to overrule the Department and grant the variance subject to the following conditions: (1) The lower unit in the existing building at 394-396 Diamond Street shall be eliminated as a separate dwelling unit. The kitchen and separate meters shall be remvoed. An interior open balustrade staircase connecting the lower floor with the middle unit shall be installed; and (2) The applicant shall record a Notice of Special Restrictions against the property restricting the use of the building to two units; and (3) The garage curb cuts for the new house shall be located so as to preserve the two existing on-street parking spaces in the front of the property

APPEAL NO. 85-127

L. ROBERT BILLS, Appellant vs. POLICE DEPARTMENT, Respondent

Protesting suspension on June 3, 1985, of permits for Mechanical Amusement Devices, Billiard Parlor and Cabaret at 949 Market Street.

This case was continued from July 24th to enable the respective parties to meet and work out a plan to resolve the situation. Lawrence Wilson, Esq., represented the Police Department. The permit holder was represented by Marc Seidenfeld, Esq., who reported that the parties had met and his client had agreed to certain changes. Upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department and reinstate the permits subject to the following conditions: (1) A minimum cover charge of two-dollars will be charged at all times to enter the Palace Billiards. This fee will be collected at the door; (2) The counter is to be staffed at all times; (3) Restrooms are to be locked with a key. The lock is to be the type that can only be opened with a key. Only one person at a time it to be allowed to use the restrooms; and (3) These conditions must be complied with within thirty days.

APPEAL NO. 85-146

WILLIAM H. JONES, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on June 27, 1985, for work done at 2220 Sloat Boulevard.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit was the installation of a lean-to garage on the west property line. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and reduce the penalty to $45.90, plus the regular fee of $45.90, for a total of $91.80 due to the Department.

APPEAL NO. 85-142

MAI FULLER, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on June 4, 1985, of Masseuse Permit at 450-B Jones Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the appellant's permit had been revoked upon the recommendation of the Vice Crimes Division who had cited Ms. Fuller for solicitation of prostitution. The appellant was represented by Christopher Hall, Esq. Upon motion of President Berg, the Board voted 4-0, Commissioner Engmann being absent from the room, to overrule the Department and reinstate the permit subject to the following condition: The permit is suspended for sixty-days beginning July 31, 1985, and ending September 30, 1985.

APPEAL NO. 85-184

GUY R. CLARK, dba "GUY'S FLOWERS," vs. POLICE DEPARTMENT, Respondent

Denial On July 17, 1985, of Peddler's Permit at 2198-15th Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that Mission Station had recommended denial of this peddler's permit based on the fact that approval would be in violation of Police Code Section 869.2 (two related businesses within two blocks). The Department was supported by the testimony of Officer Guinan. The appellant spoke in his own behalf and was supported by the testimony of Ms. Joanne Hilstran, whose business occupies the premises adjacent to the sidewalk on which he sells flowers. The Board continued the case until August 14th. The parties to the appeal are to attempt to work out a solution to the matter.

APPEAL NO. 85-178

ALVIN AND ELEANOR KAPLAN, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 8, 1985, to Tony Marchese, permit to alter a building at 145 Edgewood Avenue.

The appellants presented their case. They advised the Board that the proposed construction would destroy their privacy as well as cut off their sunlight and air. The permit holder, Mr. Marchese, spoke at length in his own behalf. The Board continued the matter and asked that Mr. Feldman meet with the people involved in the matter. Purpose of the meeting will be to identify problem areas and to encourage communication in resolving the problems. Case continued to August 14, 1985.

APPEAL NO. 85-179

EDWARD A. BARTHOLD, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 8, 1985, to Lynn and Gary Guittard, permit to alter a building at 2927 Broderick Street.

The appellant advised the Board that the proposed construction was out of character for the neighborhood and that the Planning Department had misinterpreted the height measurement standards of the Planning Code. The proposed addition would also have a deleterious effect on the appellant's light, air and view. The appellant was supported by the testimony of his architect, Mr. Allan Levy. The permit holder was represented by Harry O'Brien, Esq., and Mr. Robert Colyer, architect for the permit holder. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to uphold the department and grant the permit subject to the following condition: The Department is upheld with the same conditions attached that were imposed by the City Planning Commission under its Motion No. 10235.

APPEAL NO. 85-180

JACOB FRIEDMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 11, 1985, to Mark Rutherford, permit to alter a building at 582-86 Haight Street.

Mr. Friedman, the appellant, advised the Board that the proposed construction was endangering the east wall of his property. In response to questions of the Board, Chief Building Inspector Don Lim advised that he was not familiar with all the facts of the situation. It was his suggestion that the matter be continued to give him time to look into the matter and report back to the Board. The permit holders, Ms. Evelyn Martin and Mr. Gregory Salas, responded to questions of the Board. President Berg continued the matter for further hearing on August 14th.

APPEAL NO. 85-187

DIAMOND LIM, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 28, 1985, to Mr. & Mrs. J. Kong, permit to alter a building at 151 Mangels Avenue.

The appellant spoke in his own behalf. He advised the Board that the proposed construction would completely obstruct his view. The permit holder, Mr. Jimmy Kong, presented his case. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. V85-147

PHILIP GORDON GEITZEN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 17, 1985, of minimum lot area variance sought for property located at 229 States Street.

Ms. Nancy Gin represented the Zoning Administrator. She advised the Board that the five conditions required for a favorable variance decision had not been met. She was supported by the testimony of Mr. Richard Kirchberger. The appellant, Mr. Philip Gordon Geitzen, spoke in behalf of the permit holder, Major Roy Miller. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to uphold the Department and deny the variance.

SUBJECT MATTER BEING COMMON TO ALL, THE FOLLOWING APPEALS WERE HEARD TOGETHER

APPEAL NO. 85-181

TANAMA LIMITED, Appellant vs. DEPT. OF PUBLIC WORKS, Appellant
CITY PLANNING APPROVAL

Protesting issuance on July 10, 1985, to Jamestown Company, permit to demolish a building at 212 Stockton Street.

APPEAL NO. 85-182

TANAMA LIMITED, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 10, 1985, to Jamestown Company, permit to erect a structure at 212 Stockton Street.

APPEAL NO. 85-185

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 10, 1985, to Jamestown Company, permit to demolish a building at 212 Stockton Street.

APPEAL NO. 85-186

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 10, 1985, to Jamestown Company, permit to erect a structure at 212 Stockton Street.

Due to a conflict of interest, the Board excused Commissioner Guggenhime from hearing the appeals concerning 212 Stockton Street. President Berg advised that requests that these appeals be continued were not granted. Mr. Lucien Blazej represented the Zoning Administrator. Kathryn B. Dickson, Esq., represented the interests of Tanama Limited. Sue C. Hestor, Esq., represented San Franciscans for Reasonable Growth. Timothy Tosta, Esq., represented the Jamestown Company, the permit holder. Mr. Grant Sedgwick, developer of the property, spoke in support of the issuance of the permits. Upon motion of Vice President McCarthy, the Board voted 3-1, Commissioner Engmann dissenting, to uphold the Department and grant the permits subject to the condition that the Department is upheld with the same conditions attached that were imposed by the City Planning Commission under its Motion No. 10031.

There being no further business to come before the Board, President Berg adjourned the hearing at 10:28 p.m.

SPECIAL MEETING OF THE BOARD

SITE INSPECTION TUESDAY, July 30, 1985, at 5:30 p.m., at 49-51 Uranus Terrace, attended by President Berg, Commissioner Engmann, and Executive Director Robert H. Feldman.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 14, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:14 p.m.

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Present were: President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Ms. Nancy Gin for the Department of City Planning; Captain Gary Meltzer for the Fire Department; Ms. Doris Levine, Official Hearing Reporter; and Mr. Robert Feldman, Executive Director.

Vice President Robert J. McCarthy was absent.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

REQUESTS FOR REHEARING: Appeal Nos. V85-148, 85-158, 85-159, 85-160, 85-161, V85-107, V85-185, 85-186, V85-181, 85-182, and V85-129, there being no motion, the matters will not be reheard. Appeal No. 85-137, the consideration of this matter is continued to August 28th.

REQUEST FOR INTERPRETATION OF BOARD DECISION: Re: Appeal No. 85-065 the Board stated that it was their intention to protect Ms. Baer from garage noise and the noise insulation need only be installed on the lower floor for the length of the building. Mr. Lim indicated that there is a state law requiring noise insulation now in effect.

APPEAL NO. 85-178

ALVIN AND ELEANOR KAPLAN, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 8, 1985, to Tony Marchese, Permit to Alter a Building at 145 Edgewood Avenue.

Executive Director Robert H. Feldman reviewed a site visit that he made. After reading letters from the parties and discussion, upon motion of President Berg, the Board voted 4-0 to uphold the Department subject to the following conditions: (1) That the plans accompanying the Building Permit, Application NO. 8504689, shall be revised to eliminate entirely the bay window at the second level on the south side of the proposed bedroom; and (2) That the permit holder shall use all diligent efforts to complete the construction of the subject addition within three months of the effective date of this decision.

APPEAL NO. 85-195

JACOB FRIEDMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 11, 1985, to Mark Rutherford, Permit to alter a Building at 582-86 Haight Street.

Mr. Bogatin, attorney for the appellant, advised the Board that assessment of the situation was impossible as the permit holder had denied him access to the subject property. The permit holders, Mr. Gregory Salas and Ms. Evelyn Martin, responded to questions of the Board. The Board instructed the parties to have an independent engineer inspect the foundation of the appellant's property. The appeal was continued to August 28th at which time the Board will consider the report.

APPEAL NO. 85-140

JACK REISNER, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent

Denial on June 20, 1985, of Permit to Alter a Building at 1258-8th Avenue.

Mr. John Decker spoke for the appellant who was also present. Ms. Nancy Gin represented the Department of City Planning. The Board asked Ms. Gin to bring back documentation of records that she referred to in her presentation to the Board, in particular DAHI records. The Board asked that the Executive Director secure available information from the Assessor's office regarding the number of units historically assigned to the building.

APPEAL NO. 85-195

PRIBUSS ENGINEERING, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of Penalty on August 1, 1985, for work done at 64 Turk Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that a boiler and a boiler gas flue had been installed by the appellant without benefit of permit. The appellant was represented by Mr. Bayardo J. Chamorro. Upon motion by Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and reduce the penalty to $247.50, plus the regular fee of $55.00, for a total of $302.50 due to the Department.

APPEAL NO. 85-183

ABC WINDOW CONTRACTORS, INC., vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPARTMENT APPROVAL

Protesting imposition of Condition by Fire Department on July 17, 1985, attached to approval of permit to alter a building at 2000 Beach Street.

Captain Gary Meltzer represented the Fire Department. He advised the Board that the appellant was being asked to conform to the requirements of Building Code section 3305 (u) which requires sprinklers over all windows within five feet of fire escapes. Upon recommendation of Captain Meltzer, the Board voted 4-0 to overrule the Department and grant the permit subject to the following conditions: (1) That the permit holder shall install Token Sprinkler Heads to protect the fire escapes on all windows within five feet horizontally of the fire escapes on all but the top floor of the building, so long as there is no occupancy of the roof area; and (2) In the event the roof is occupied that Token Sprinkler Heads shall be installed on the top floor also.

APPEAL NO. 85-193

JEAN C. LEBUGLE, dba "RAFFLES OTHER PLACE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 24, 1985, of Dance Hall Keeper and Place of Entertainment permits at 1169 Market Street.

Lawrence Wilson, Esq., represented the Police Department. He appeared in the company of the appellant. Mr. Wilson advised the Board that this appeal was being withdrawn. The appellant's permit problems would be resolved administratively by the Department. Ms. Lebugle asked the Board to accept her withdrawal.

APPEAL NO. 85-188

SHIGETOSHI & YOSHI SERIZAWA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 18, 1985, to Dorothy A. McIntyre Trust, permit to demolish a building at 623-17th Avenue.

The appellant, Mr. Shigetoshi, spoke in his own behalf. He advised the Board that the proposed construction would jeapordize his access to light and air. He was supported by the testimony of Mr. Andrew Katz and Mr. Roger S. Mihara. Mr. Austin Fergus, a contractor, spoke for the permit holder. Chief Building Inspector Don Lim responded to questions of the Board. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 85-190

FAIRMOUNT NEIGHBORHOOD ASSOCIATION, vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 18, 1985, to Mr. & Mrs. O'Brien, permit to erect a structure at 60 Whitney Street.

Mr. Brian Comnes of the Fairmount Neighborhood Association represented the appellants. He advised the Board that the proposed structure was not appropriate for the neighborhood. He was supported by the testimony of neighbors Mr. Richard Cisneros, Ms. Leslie Mendell, and Ms. Wendy Mancuso. Owen O'Donnell, Esq., represented Mr. O'Brien, the permit holder Mr. O'Brien responded to questions of the Board. The Board continued the matter to the hearing of August 28th with a site inspection scheduled for Tuesday, August 26th at 5:30 p.m. President Berg invited all those interested to be present at the site inspection to explain their concerns.

APPEAL NO. V85-191

JOHN VOORTHUIJSEN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on July 19, 1985, of off-street parking variance sought for property located at 1272-74 Grove Street.

Ms. Nancy Gin represented the Department of City Planning. She advised the Board that the issue is the legalization of a third unit. The Department's position is that the legalization of the third dwelling unit would be contrary to the stated general purpose of the City Planning Code. The appellant spoke in his own behalf and was supported by the testimony of Mr. Louis Lujan. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and deny the variance.

APPEAL NO. V85-195

MARY ANN McKALE MARTINEZ, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on July 22, 1985, of Rear Yard Variance sought for property located at 3850 Cabrillo Street.

The Department of City Planning was represented by Ms. Nancy Gin. She advised the Board that this appeal spoke to the issue of legalizing a deck that was built without benefit of permit. The appellant spoke in her own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and grant the variance.

APPEAL NO. V85-196

ROBERT LEE, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on July 24, 1985, of off-street parking variance sought for property located at 1537 Franklin Street.

Gordon Lau, Esq., represented the appellant. He advised the Board that at issue is the legalization of the conversion of a hotel with 24 guest rooms to 6215.5 square feet of office space in the existing building without providing any parking space for the conversion. Twelve parking spaces are needed for the conversion. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and grant the variances subject to the following conditions: (1) The owner will provide twelve (12) off-street parking spaces within an eight hundred (800) foot radius of the premises. (2) If the off-site, off-street parking is not provided by owner, or is discontinued at any time by owner, no more than four-thousand nine-hundred and ninety-nine (4999) square feet of occupied floor area may be used at the premises. A clause to that effect will be inserted in all of its leases. The Board requested Mr. Lau to prepare findings for adoption.

APPEAL NO. 85-199

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on July 23, 1985, to Cleveland Wrecking Company, permit to demolish a building at 49 Stevenson Street.

Members of the Board stated they had reviewed and considered the Negative Declaration. Sue Hestor, Esq., who represented the appellants, was sworn in by the Court Reporter. Ms. Hestor advised the Board that the E.I.R. for the project was insufficient. In addition, she advised that the Master Plan should be amended to account for the change of use of the small alleys South of Market to dense office development. The Department of City Planning was represented by Mr. Lucien Blazej. The permit holder was represented by Timothy Tosta, Esq. Upon motion of Commissioner Engmann, the Board voted 4-0 to concur with the Department and grant the permit subject to the following condition: That the demolition permit only becomes effective upon the execution and submittal to the Bureau of Building Inspection of a construction contract to carry out the site permit. The parties were requested to prepare language for the condition and submit it to the Board at the next meeting.

APPEAL NO. V85-192

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on July 14, 1985, to Hillman Properties West, of off-street parking variance sought for property located at 59 Harrison Street.

The Board members acknowledged that they had reviewed and considered the Negative Declaration. Ms. Sue Hestor, attorney for the appellant, was sworn in by the Court Reporter. Ms. Hestor requested a continuance of the case as she had not had access to all the records held by City Planning. The Department of City Planning was represented by Ms. Barabra Sahm. The permit holder was represented by Sue Diamond, Esq. She was supported by the testimony of Mr. Thomas J. Heavey, Vice President of Hillman Properties West, the permit holder. The Board continued the case to August 28th.

There being no further business to come before the Board, President Berg adjourned the Hearing at 8:21 p.m.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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M I N U T E S
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 28, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:13 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were: Mr. Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Ms. Nancy Gin for the Department of City Planning; Captain Gary Meltzer for the Fire Department; Ms. Doris Levine, Official Court Reporter; and Mr. Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Proposed Amendment to the Rules of the Board of Permit Appeals: Article 1, Section 3, regarding Notice for Continued Hearings upon motion of President Berg, the Board voted 5-0 to amend the rules.

Request that the Board take Jurisdiction over Change in Building Use at 345 California Street, there being no motion, the matter will not be heard. This request was initiated by Sue Hestor, Esq., on behalf of San Franciscans for Reasonable Growth.

ADOPTION OF FINDINGS OF FACT:

(A) 212 States Street Appeal No. V85-149, upon motion of President Berg, the Board voted 5-0 to adopt the findings.

(B) 49 Stevenson Street Appeal No. 85-199, upon motion of President Berg, the Board voted 4-0 to adopt the findings. (Vice President McCarthy abstained as he was absent during the initial hearing of the appeal.)

(C) 394-396 Diamond Street Appeal No. 85-115, upon motion of President Berg, the Board voted 5-0 to adopt the findings.

(D) 1537 Franklin Street Appeal No. 85-196, upon motion of President Berg, the Board voted 4-0 to adopt the findings. (Vice President McCarthy abstaining as he was absent during the initial hearing of the appeal.)

(E) 212 Stockton Street Appeal Nos. 85-181, 85-182, 85-185 and 85-196, upon request of Kathryn Dickson, Esq., representing Tanama Limited, and Sue Hestor, Esq., representing San Franciscans for Reasonable Growth, the discussion of the findings was continued to the end of the hearing to allow a study of the material.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE (CONTINUED)

REQUEST FOR REHEARING:

Request for rehearing of Appeal No. 85-137, there being no motion, the matter will not be reheard.

APPEAL NO. V85-119

FRANK ALLEN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 14, 1985, of Rear Yard Variance sought for property located at 467 Texas Street.

At the request of the appellant, this appeal is being reheard. Robert A. Ward, Esq., represented the appellant. The appellant spoke in his own behalf. Ms. Nancy Gin represented the Department of City Planning. She was supported by the testimony of the appellant's neighbors, Mr. and Mrs. Charles Lewin. Upon motion of Commissioner Jackson, the Board voted 3-2 to overrule the Department and grant the permit (President Berg and Commissioner Engmann dissenting). Four votes needed to overrule, the Department is upheld and the variance denied.

APPEAL NO. 85-190

FAIRMOUNT NEIGHBORHOOD ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 18, 1985, to Mr. and Mrs. O'Brien, permit to erect a structure at 60 Whitney Street.

Commissioner Engmann summarized the site inspection held on August 27th which was also attended by President Berg and Mr. Feldman. Chief Building Inspector Don Lim responded to questions posed by the Board members. Upon motion of President Berg, the Board after discussion voted 5-0 to uphold the Department and grant the permit subject to the following conditions: (1) That the plans shall be amended to eliminate the stairs connecting the front and the rear portions of the building, thus lowering the rear portion of the building by approximately three and one-half feet; (2) That the parapet or railing at the front of the roof deck shall be of solid construction and not an open railing; (3) That the front wall of the topmost floor of the building as shown on Application No. 8500988 be set back at least eighteen feet from the front wall of the building and (4) That a wet bar will not be installed on the topmost floor of the building.

APPEAL NO. 85-180

JACOB FRIEDMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 11, 1985, to Mark Rutherford, permit to alter a building at 582-86 Haight Street.

Chief Building Inspector Don Lim responded to questions of the Board. The appellant was represented by Douglas Harvey, Esq. Ms. Evelyn Martin and Mr. Gregory Salas, the permit holders, spoke in their own behalf. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to uphold the Department and grant the permit subject to the following conditions:

Appeal No. 85-180 Continued:

(1) That the plans shall be reviewed by Bureau of Building Inspection and be revised to the degree necessary to insure compliance with the Building Code; (2) That the permit holder shall comply with the recommendations of the Chief Building Inspector in regard to the affect of the proposed construction on the property at 588 Haight Street owned by the protestor, in particular any affect to the foundation and walls along the shared property line of 582-86 Haight Street and 588 Haight Street; and (3) that the Bureau of Building Inspection is satisfied that Section 832 of the Civil Code has been complied with.

APPEAL NO. 85-140

JACK REISNER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on June 20, 1985, of permit to alter a building at 1285-8th Avenue.

At the hearing of August 14th, the Board requested that Ms. Nancy Gin verify records that indicate that the legal use of the above building had been as an eight-unit building. Ms. Gin had documented information that the legal use of the building was eight dwelling units only. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and deny the permit.

THE FOLLOWING APPEAL WAS HEARD OUT OF REGULAR CALENDAR ORDER

APPEAL NO. V85-192

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on July ly, 1985, to Hillman Properties West, off-street parking variance located at 59 Harrison Street.

Limited testimony was taken on this matter on August 14th. At that time the Board members, with the exception of Vice President McCarthy who was absent, stated that they had reviewed and considered the Negative Declaration. At this hearing Vice President McCarthy stated that he had reviewed and considered the Negative Declaration. Sue Hestor, Esq., spoke in behalf of the appellant. She had requested continuance of the appeal to this hearing stating that she had not had access to all the records held by City Planning. Ms. Hestor's position was that the proposed project was inappropriate in the Rincon Hill area while the EIR and rezoning are pending. She suggested that quite possibly the Rincon Hill Plan was outdated. Mr. Robert Passmore represented the Department of City Planning. Ms. Sue Diamond, Esq., represented the permit holder. Upon motion of President Berg, the Board voted 4-1, Commissioner Engmann dissenting, to uphold the Department and grant the variance subject to the findings and conditions adopted in the City Planning Motion No. 10317. The Board instructed the attorney for the permit holder, Sue Diamond, Esq., to prepare findings.

APPEAL NO. 85-208

LILY T. GALINDO. Appellant vs. FIRE DEPARTMENT, Respondent

Rescinding for Fire Clearance by the City Fire Inspector for One/Two Ambulatory Aged in a Licensed Residential Care Home for Six Ambulatory Aged at 1326-22nd Avenue.

Appeal No. 85-208 (Continued)

Captain Gary Meltzer represented the Fire Department. He advised the Board that the appellant had failed to obtain an appropriate fire clearance approved by the State Fire Marshal to accept non-ambulatory clients. The appellant spoke in her own behalf. Upon motion of Commissioner Guggenhime, and after discussion, the Board voted 5-0 to uphold the Department and rescind the fire clearance.

APPEAL NO. 85-201

LAI YIN YU, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 8, 1985, for work done at 135 Collins Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of wall partitions and installation of a bathroom. The appellant was present and was assisted in his testimony by his daughter Meina. Upon motion of President Berg, and after discussion, the Board voted 5-0 to overrule the Department and reduce the penalty to $291.55, plus the regular fee of $291.55, for a total of $583.10 due to the Department.

APPEAL NO. 85-203

NANCY GARCIA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of a penalty on August 9, 1985, for work done at 1800-48th Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of the installation of a fence on the above property. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and reduce the penalty to $17.00, plus the regular fee of $17.00, for a total of $34.00 due to the Department.

APPEAL NO. 85-206

ALEX SCHWED, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 14, 1985, for work done at 101 Fairmount Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of the interior remodeling of a bathroom, electrical and plumbing work. Mr. Schwed spoke in his own behalf. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and reduce the penalty to $45.90, plus the regular fee of $45.90, for a total of $91.80 due to the Department.

APPEAL NO. 85-212

EDWARD F. CERAR, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 21, 1985, for work done at 3938-20th Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of installation of a fence on the above property. Upon motion of President Berg, the Board voted 5-0 to oeverrule the Department and reduce the penalty to $381.85, plus the regular fee of $118.15, for a total of $500.00 due to the Department.

APPEAL NO. 85-184

GUY R. CLARK, dba "GUY'S FLOWERS," vs. POLICE DEPARTMENT, Respondent

Denial on July 17, 1985, of peddler's permit at 2198-15th Street.

This case was continued from August 14, 1985. The reason for the continuance was to allow for time to resolve the appellant's problem. Lawrence Wilson, Esq., represented the Police Department. He advised the Board that efforts were continuing to get the appellant the proper permit from the Department of Public Works that will allow him to continue his business. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 5-0 to uphold the department and deny the permit.

APPEAL NO. 85-205

MARK BERRY, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on August 2, 1985, of perddler's permit at 525 Market Street and 856 Market Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the permits were denied as the locations would be within two blocks of a business which sells the same type of merchandise, and in the case of 525 Market Street the location would also be adjacent to a bus stop, all of which are in violation of Section 869 of the Municipal Police Code. Mr. Wilson was supported by the testimony of Officer Hession and Mr. Fred McIntosh, assistant manager of the Tishman building. The appellant, Mr. Mark Berry, spoke in his own behalf. Upon motion of Vice President McCarthy, the Board voted 5-0 to up hold the Department and deny the appeal.

APPEAL NO. 85-202

JIM HUMPHREY, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Denial on August 5, 1985, of permit to alter a building at 297 Divisadero Street.

Chief Building Inspector Don Lim represented the Department of City Planning. He advised the Board that Housing Code Section 701 requires sprinklers for the entire wood-frame building three stories or more in height where not constructed of one-hour fire-rated materials. This requirement has been in effect since 1947. After hearing testimony from the appellant's architect, Mr. Robert Batchelor, the Board continued the case to the hearing of September 18th to facilitate an inspection of the premises by Chief Building Inspector Don Lim. Purpose of the inspection is to ascertain when the building was converted from two units over commercial, to four units over commercial.

APPEAL NO. 85-210

WILLIAM P SHEEHAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI APPROVAL

Denial on August 16, 1985, of permit to alter a building at 411 Eddy Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the appellant was violating Housing Code Section 503 which requires one bathroom for each 10 rooms in hotels. The appellant is being required to add two more bathrooms. The appellant spoke in his own behalf. Upon motion of President Berg and after discussion, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 85-207

GERALD J. RIFKIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 5, 1985, to Charles Johnson, permit to alter a building at 260 Romain Street.

Dave Wharton, Esq. represented the appellant. He expressed the appellant's concern that the proposed construction would be inappropriate for the neighborhood. Mr. Rifkin spoke in his own behalf and was supported by the testimony of neighbors Mr. and Mrs. Schaefer, and Dr. Delano. Director Feldman reported on a site visit that he had made to the property. Chief Building Inspector Don Lim responded to questions of the Board. Upon motion of President Berg, the Board voted 5-0 to uphold the department and grant the permit subject to the following stipulations: (1) That the permit holder shall submit a revised plan for the subject decks that shows a reduced dimension of the outer edge of the decks from fourteen feet to ten feet so that in plan the decks will have a width of approximately fourteen feet along the building wall and ten feet along the line parallel to the wall and projecting out ten feet from the wall towards the rear or north property line; (2) That the permit holder shall not enclose the railings on the decks but shall maintain the open and separated supports for the railings for the two decks to the maximum degree permitted under the building code; (3) That the permit holder shall not place potted plants or other decorations on the decks that reduce the view from the protestor's windows towards the east; and (4) Decks shall be no closer than three feet to the side property line.

APPEAL NO. 85-209

JOHNNIE PORTER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 7, 1985, to L.C. Banks permit to alter a building at 1546 McKinnon Avenue.

The appellant, Mr. Porter, spoke in his own behalf advising the Board that the proposed construction would create traffic problems and that the construction would facilitate a business that was inappropriate for the neighborhood. He was supported by the testimony of neighbors Mr. Charles and Mr. T. Johnson. Mrs. Banks spoke in her own behalf. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and grant the permit subject to the condition: (1) That people using the Day Care Center will be instructed not to park their cars in the neighborhood in such a way as to cause problems for people residing in the area.

At this point in the hearing, discussion of the findings for 212 Stockton Street was continued. In addition to the attorneys for the appellants, Ms. Sue Hestor and Ms. Kathryn Dickson, the permit holder was represented by Marie Pracher, Esq. After lengthy discusssion , the findings, upon motion of President Berg, were adopted 3-1, Commissioner Engmann dissenting and Commissioner Guggenhime abstaining. The findings were adopted with the following two amendments: In the preamble the following statement was included..."The permits were both issued on July 10, 1985." And on Page 4, Section 5, the following material was included..."In August, 1985, the Board of Supervisors passed a Downtown Plan on a second, first reading amending the Downtown Plan. And it has, as of the date of these findings, not yet been adopted."

SPECIAL MEETING OF THE BOARD

APPEAL NO. 85-190

SITE INSPECTION, TUESDAY, AUGUST 27, 1985, at 60 Whitney Street, at 5:30 p.m. Attended by President Berg, Commissioner Engmann, and Director Feldman.

There being no further business to come before the Board, President Berg adjourned the hearing at 9:20 p.m.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES

WEDNESDAY, SEPTEMBER 18, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:08 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert W. Passmore, Zoning Administrator, for the Department of City Planning; Ms. Doris Levine, Official Court Reporter; and Mr. Robert H. Feldman, Executive Director.

MATTTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

REQUESTS FOR REHEARING: Appeal No. 85-205, upon motion of Commissioner Engmann, the Board voted 4-0 to rehear the appeal. (Commissioner Guggenhime had not arrived at the meeting.) The rehearing date was set on October 16, 1985. Appeal No. V85-149, upon motion of President Berg, the Board voted 5-0 to rehear the appeal on October 16, 1985. Appeal No. V85-115, there being no motion the matter will not be reheard. JURISDICTION BEYOND THE 10-DAY APPEAL PERIOD: Letter from Mr. Edward D. Roger, 461 Douglass Street, there being no motion, the matter will not be heard. ADOPTION OF FINDINGS OF FACT: Appeal No. V85-192, upon motion of President Berg, the Board voted 4-1, Commissioner Engmann dissenting, to adopt the findings. APPEALS CONTINUED: Appeal No. 85-197 was continued to October 16, 1985; 85-219 continued to September 25, 1985, 85-220 continued to September 25, 1985, 85-221 continued to October 16, 1985, and V85-216 to October 2, 1985.

APPEAL NO. 85-202

JIM HUMPHREY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Denial on August 4, 1985, of permit to alter a building at 297 Divisadero Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He reported to the Board on the site inspection that he made to the property. He reinterated to the Board the Department's request that the appellant comply with the requirement that his building be constructed with a fire-resistive rating of one hour. The appellant was represented by his architect, Mr. Robert Batchelor. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 85-211

YUKE YAN LEE & RALPH GALLAGHER, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on August 9, 1985, to KWC Construction Company, permit to alter a building at 2426 California Street.

Mr. Robert Passmore represented the Department of City Planning. He advised the Board that it was the Department's wish that the Board overrule their decision granting the permit. He stated that the Department now felt that the building permit application may have been approved in error. The Planning Department wishes to review the application to determine if it complies with the Planning Code, in particular the Neighborhood Commercial Rezoning Study. The appellants were present and spoke in their own behalf. Rodney Fong, Esq., represented the permit holders. He was supported by the testimony of Mr. Tong and Ms. Isabel Eng. Upon motion of President Berg, the Board voted 4-1, Commissioner Jackson dissenting, to overrule the Department and deny the permit.

APPEAL NO. 85-177

HOAN NGUYEN, dba "MIKADO MASSAGE," Appellant vs. POLICE DEPARTMENT, Respondent

Suspension on July 9, 1985, of massage establishment permit at 455 Ellis Street.

Prior to hearing this appeal, the Court Reporter swore in those who were to give testimony in the police cases before the Board. Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Vice Crimes Division had recommended revocation of this permit due to evidence of prostitution activity. He was supported by the testimony of Officers Chris Wells and T. O'Connor. The appellant was present and was represented by George C. Zube, Esq. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and suspend the permit.

APPEAL NO. 85-213

FRANCISCO C. VENEGAS, Appellant POLICE DEPARTMENT, Respondent

Denial on August 21, 1985, of permit for place of entertainment at 3349-23rd Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the permit was denied under the provisions of the City Charter Section 3.537 which speaks to the powers of the Chief of Police to rule in cases involving alleged public disturbance. The Department was supported by the testimony of Ms. Delma Chuchwar, Mr. Boris Tannas, and Ms. Mary Harden, President of the Mission Planning Council. The appellant, Mr. Venegas, spoke in his own behalf. He was supported by the testimony of Mr. David BeBiashvili, Mr. Henry Backa, Ms. Cecilia Venegas and Mr. Rolando Farfan. Upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department and grant the permit subject to the following conditions: (1) Music is limited to the one electric piano that is now in operation with no additional amplification; (2) Entertainment hours during which the electric piano can be in operation are limited to week days from 7:00 p.m. to 11:00 p.m. (week days includes Sunday through Thursday), and weekends from 7:00 p.m. to 1:00 a.m. (weekends includes Friday and Saturday); (3) The Police Department is directed to inspect the building for compliance with the Noise Abatement Ordinance; and (4) The permit holder shall keep all doors and windows closed during periods that the music is playing.

APPEAL NO. 85-222

BYUNG SOON HUNT, dba "SUKY'S," Appellant vs. POLICE DEPARTMENT, Respondent

Suspension on August 30, 1985, of permit for massage establishment at 136 Mason Street.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Vice Crimes Division had recommended that the permit be revoked citing prostitution activities, lack of supervision by the owner and improper registration procedure as the reason underlying their revocation recommendation. The appellant was represented by Gilbert Eisenberg, Esq. Upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department and reinstate the permit subject to the condition that the suspension period be reduced from 30 days to 14 days.

APPEAL NO. 85-214

DANIEL S. YOUNG, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 16, 1985, of permit to alter a building at 463-7th Avenue.

Mr. Robert W. Passmore, Zoning Administrator, represented the Department of City Planning. He advised the Board that the proposed alteration is not permitted under the City Planning Code. The appellant was present and was represented by Bruce Loughridge, Esq. Mr. Mark Lieu and Mr. Anthony Chin, an architect, spoke in support of the permit holder. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 85-220

ROGER HALL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 23, 1985, of permit to alter a building at 455 Roosevelt Way.

Mr. Robert Passmore, Zoning Director, represented the Department of City Planning. He advised the Board that approval of the application would violate that section of the Planning Code which requires compliance with special restrictions prescribed by the Zoning Administrator. The permit holder was represented by Thomas E. Horn, Esq. The case was continued for further hearing to September 25, 1985.

APPEAL NO. 85-225

ROSE E. FRITH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on September 10, 1985, of permit to alter a building at 668-29th Street.

Mr. Robert W. Passmore, Zoning Administrator, represented the Department of City Planning. He advised the Board that the Building Permit Application had been disapproved because it did not comply with the provisions of Section 209.1 (b) of the City Planning Code which provides that no more than one single-family dwelling shall occupy a lot in a RH-1 zoning district. The appellant spoke in her own behalf and was supported by the testimony of her husband, Mr. William Frith. Upon motion of Commissioner Guggenhime, the Board voted 4-1, Commissioner Engmann dissenting, to overrule the Department and grant the permit.

APPEAL NO. 85-215

ANN WALRAVEN, Appellant vs. DEPT. PUBLIC WORKS, RESPONDENT
CITY PLANNING APPROVAL

Protesting issuance on August 18, 1985, to Juan Willie Roldan, permit to alter a building at 167 Capistrano Avenue.

Ms. Ann Walraven and her attorney, Mr. Blokenbeal, advised the Board that the proposed construction would seriously diminish the appellant's light. The permit holder, Mr. Rolden, spoke in his own behalf. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 85-217

JOHN H. TIETSCHEID, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 16, 1985, to David E. Henry, permit to alter a building at 559 Teresita Avenue.

The appellant, who was present, was represented by Julius Kahn, lll, Esq. He advised the Board that the proposed construction would diminish the appellant's light and air. The permit holder, Mr. David Henry, spoke in his own behalf and was supported by the testimony of Mr. Tom Cline and Mr. Stuart Lyndall. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and grant the permit.

8:10 P.M., PRESIDENT BERG LEFT THE HEARING.

APPEAL NO. 85-226

JOHN M. BALPH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 30, 1985, to Shuck Quan, permit to alter a building at 953Z-957 Jones Street.

The appellant advised the Board that the owner of the above property was asking tenants to move in order for him to rehabilitate the building. The appellant was supported by the testimony of other tenants, namely; Mr. Charles Shrader, Mr. Weng Chan and Mr. Robert Doherty. The permit holder, Mr. Shuck Quan, was represented by William Mayo, Esq. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and issue the permit. The Board in rendering its decision, noted to the appellant that his cause might better be served by application to the City Rent Stabilization Board.

APPEAL NO. 85-227

ANDREA TISCHLER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 3, 1985, to Wade Gunn, permit to erect a building at 620 Mendell Street.

Mr. Tischler represented the appellant. He advised the Board that the proposed construction would deprive the appellant of adequate light and would diminish her view. The appellant also felt that the construction would exacerbate an already serious drainage problem in the area. The permit holder, Mr. Wyman Lynch spoke in his own behalf and was supported by the testimony of his contractor, Mr. Sid Horne. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit subject to the condition that the permit holder notify Ms. Tischler of the issuance of any new permits regarding this property.

APPEAL NO. 85-229

ROBERT K. LAW, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 5, 1985, to William H. Jones, permit to alter a building at 2220 Sloat Blvd.

The appellant, Mr. Law, advised the Board that the permit in question is for an existing garage which was damaging his property. Chief Building Inspector Don Lim responded to questions of the Board. The Board advised the appellant that the current permit was to legalize the existing structure and insure that it conformed to the City Building Code. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the Department and grant the permit.

There being no further business to come before the Board, Vice President McCarthy adjourned the hearing at 9;20 p.m.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 25, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:13 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert W. Passmore for the Department of City Planning, Ms. Doris Levine, Official Court Reporter; and Mr. Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Cases Continued: Appeal No. 85-233, for hearing October 23, 1985.

Appeal Withdrawn: No. 85-235 withdrawn prior to the hearing.

APPEAL NO. 85-220

ROGER HALL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 23, 1985, of permit to alter a building at 455 Roosevelt Way.

This appeal was continued from September 18, 1985, in order that the appellant have time to work out a solution to the matter with the Bureau of Building Inspection. Mr. Robert W. Passmore represented the Department of City Planning. The appellant spoke in his own behalf and was represented by Thomas Horne, Esq. Upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department and grant the permit subject to the following conditions: (1) That the building will contain three units only; (2) In the basement area recreation room the stove will be removed, the full size refrigerator shall be replaced by a bar-type refrigerator, and the upper cabinets shall be removed. The existing sink is legal.

AT THIS POINT IN THE HEARING THE COURT REPORTER, MS. DORIS LEVINE, SWORE IN THOSE WHO WERE TO TESTIFY IN THE POLICE MATTERS BEFORE THE BOARD.

APPEAL NO. 85-219

DI THI ELLIOT, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on August 21, 1985, of masseuse permit at 931 Kearny Street. (THAILAND HEALTH SPA)

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Vice Crimes Division had recommended that the Masseuse permit for the appellant be revoked, citing solicitation of prostitution and filing of fraudulent application forms as the basis for the recommendation. The Department was supported by the testimony of Police Officer Tom O'Connor. The appellant was present and was represented by Yolanda Huang, Esq. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and revoke the permit.

APPEAL NO. 85-218

DENNEE CHIC, Appellant vs. DEPT. PUBLIC WORKS, RESPONDENT

Imposition of penalty on August 29, 1985, for work done at 125 Judson Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of a second story addition to the existing structure. The appellant spoke in her own behalf. Upon motion of Commissioner Jackson, the Board voted 5-0 to overrule the Department and reduce the penalty to $1,165.10, plus the regular fee of $334.90, for a total of $1,500.00 due to the Department.

APPEAL NO. 85-231

HECTOR VILLANUEVA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 13, 1985, for work done at 490 Ellington Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of a second story addition to the existing structure. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and sustain the penalty.

APPEAL NO. 85-106

PETER LANCE DWARES, ESQ., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 2, 1985, to Mr. and Mrs. Weaver, permit to erect a structure at 312 Filbert Street.

President Berg noted to the hearing audience that due to the past extensive work done by the Board in hearing this appeal that at the present hearing only that testimony that had not previously been presented to the Board would be heard. Timothy Tosta, Esq., attorney for the permit holder, played a video tape for the Board, the purpose of which was to illustrate the minuscule loss of view that the proposed structure would cause on the road leading to Coit Tower. He was supported by the testimony of Mr. Darrell Hicks, an architect with the firm of Donald McDonald. Park Commissioner Keith Eichman also spoke in support of the project. The appellant, Mr. Peter Dwares, spoke in his own behalf. He was supported by the testimony of Jerry Petruzelli, Esq., and Mrs. Jeanne Milligan, President Of the Telegraph Hill Dwellers Association. Upon motion of President Berg, the Board voted 4-1, Commissioner Engmann dissenting, to uphold the Department and grant the permit subject to the following conditions; (1) That the plans for the proposed two-family building shall be amended, and revised sheets submitted by the permit holder that reduce the height of the building to an elevation not exceeding 275 feet; and (2) That the final plans shall include windows as shown on the east elevation sheet submitted for the permit holder by Architect Donald McDonald, dated September 23, 1985, marked "Board of Permit Appeals Exhibity A."

There being no further business to come before the Board, President Berg adjourned the hearing at 7:55 p.m.

DATE: September 25, 1985

Jerry E. Berg, President

Robert H. Feldman, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 9, 1985
5:00 P.m., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:09 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert W. Passmore for the Department of City Planning; Ms. Doris Levine, Official Court Reporter: and Mr. Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

CASES CONTINUED: Appeal Nos. 85-236, 85-247 were continued to October 30, 1985. Appeal No. 85-238 was continued to November 13, 1985. Appeal Nos. 85-239, and V85-237 were continued to October 16, 1985.

THE FOLLOWING APPEAL WAS TAKEN OUT OF ORDER

APPEAL NO. 85-254

MELVIN HAYNES, Appellant vs. HEALTH DEPARTMENT, Respondent

Denial on September 30, 1985, of permit to operate a grocery store with limited food preparation and service at 560 Laguna Street.

Mr. Bill Knoll represented the Health Department. Ms. Nancy Gin spoke for the Department of City Planning. She advised the Board that the nonconforming use for 560 Laguna Street had been terminated and that it was no longer propertly zoned for a grocery store. The appellant, Mr. Melvin Hayes, spoke in his own behalf. Upon motion of commissioner Guggenhime, the Board voted 4-1, Commissioner Jackson dissenting, to uphold the Department and deny the appeal.

APPEAL NO. 85-238

JoANN M. UZETA, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 11, 1985, of assistant mobile caterer permit.

Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Permit Section had recommended that the permit be denied based on the criminal record of the appellant. The appellant spoke in her own behalf. The case was continued to give the appellant time to explore the possibility of having her felony conviction reduced to a misdemeanor. Case for further hearing November 13, 1985.

APPEAL NO. 85-246

ANTONI J. DWARY, dba "GOODHEART THRIFT SHOP," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on September 14, 1985, of second hand dealer permit at 185-6th Street.

The Court Reporter swore in Police Officer S. G. Hamilton who gave testimony in the case. Lawrence Wilson, Esq., represented the Police Department. He advised the Board that the Fencing Section of the Police Department had recommended that the permit be revoked as there was evidence that the permit holder had purchased stolen property. The Department also cited him for not keeping appropriate records. The Department's position was supported by the testimony of Officers S. G. Hamilton and Gary Jimenez. The appellant, Antoni Dwary, spoke in his own behalf. Upon motion of Vice President McCarthy, the Board voted 4-1, Commissioner Jackson dissenting, to uphold the Department and revoke the permit.

APPEAL NO. 85-252

MICHAEL DOLAN, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on September 26, 1985, of second hand dealer permit at 1055 Valencia Street.

Lawrence Wilson, Esq., represented the Police Department. he advised the Board that the permit had been revoked due to non-payment of permit fee. He further advised the Board that the fee had now been paid. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and reinstate the permit.

SUBJECT MATTER BEING COMMON TO BOTH, THE FOLLOWING APPEALS WERE HEARD TOGETHER

APPEAL NO. 85-248

PATRICIA FAY GUIBERSON, ET AL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI APPROVAL

Protesting issuance on September 19, 1985, to Friedman Association, permit to alter a building at 145 Laurel Street.

APPEAL NO. 85-251

LAURENCE AND ILENE SANFORD, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI APPROVAL

Protesting issuance on Septemner 19, 1985, to Friedman Association, permit to alter a building at 145 Laurel Street.

The appellants were represented by Mary Hughes, Esq. She cited the alleged violations of the appellant's property rights and requested the Board to deny the permits now before the Board. She was supported by the testimony of Ms. Guiberson and Ms. Ilene Sanford. The permit holder was represented by Kenneth Houseman, Esq., and Mr. Jack Scott. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and revoke the permits subject to the condition that on Unit No. 4 where we granted the permit last June, that the permit for Unit No. 4 be granted only to the extent of work within the existing interior walls and not involving breaking through any of its other walls.

APPEAL NO. 85-242

PHILIP E. FEIN, Appellant vs DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 18, 1985, to Sandy Pospisil, permit to alter a building at 477 Belvedere Street.

The appelllant advised the Board that the proposed construction was not in accord with the construction described on the permit; namely, that the deck being built was much larger than the permit allowed. Chief Building Inspector Bob Kelley spoke for the Department of Public Works. The permit holder, Ms. Sandy Pospisil, spoke in her own behalf. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 85-249

ANNE P. SZULO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 23, 1985, to Virginia V.W.Durand, permit to alter a building at 1267-43rd Avenue.

The appellant Mrs. Knight (ne' Anne P. Szulo) spoke in her own behalf. She advised the Board that the proposed addition would shade her house and block her view to the south. The permit holder was represented by Mrs. C. Mahoney. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit subject to the condition that the existing lightwell in the house of the permit holder be retained and not filled in as a closet. For the record, Commissioner Jackson did not vote in favor of the condition.

APPEAL NO. V85-237

DANIEL L. HARRINGTON, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on September 11, 1985, to Harold Steinhauser, rear yard variance sought for property located at 512 Arkansas Street.

The appellant, who was present, was represented by Duke Armstrong. He advised the Board that the five conditions necessary for a variance had not been met. The permit holder, Mr. Steinhauser, was present and was represented by Stanley Walsh, Esq. The Board scheduled a site inspection for Tuesday, October 15, 1985, at 8:00 a.m. Appeal scheduled for futher hearing October 16, 1985.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:45 p.m.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES
WEDNESDAY, OCTOBER 16, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:38 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann

Commissioner Guggenhime was absent. Commissioner Jackson arrived at 5:38 p.m.

Also present were: Chief Building Inspector Bob Kelley for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Ms. Nancy Gin for the Department of City Planning, Ms. Doris Levine, Official Court Reporter; and Mr. Robert Feldman, Executive Director.

THE FOLLOWING APPPEAL WAS TAKEN OUT OF REGULAR CALENDAR ORDER

APPEAL NO. 85-239

RUSSELL W. CULVER, Appellant vs. POLICE DEPARTMENT; Respondent

Suspension on September 11, 1985, of public bath house permit at 161-6th Street.

Lawrence Wilson, Esq., appeared for the Police Department. He advised the Board that Vice Crimes Division had recommended that this permit be revoked as the appellant was uncooperative in allowing the police to enter his premises to arrest a suspected felon. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and reduce the suspension from ten days to five days. The suspension period will start at 12:01 a.m., Monday, October 21, 1985, and end at 12:01 a.m., Saturday, October 26, 1985.

APPEAL NO. V85-237

DANIEL L. HARRINGTON, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on September 11, 1985, to Harold Steinhauser, rear yard variance sought for property located at 612 Arkansas Street.

This case was continued from October 9, 1985. A site inspection was held on October 15, 1985. The site inspection was attended by President Berg and Vice President McCarthy. Executive Director Robert Feldman also attended the inspection. The appellant was represented by Duke J. Armstrong, Esq. Mr. Stanley Walsh, Esq., represented the property owner. Upon motion of President Berg, the Board voted 4-0 to to overrule the Department and grant the variance subject to the condition that the addition shall be shortened by 7 feet with no requirement that the building wall on the second level be set back five feet from the property line.

APPEAL NO. 85-241

EUGENE P. OSUNA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 23, 1985, for work done at 11 Sala Terrace.

Chief Building Inspector Bob Kelley represented the Department of Public Works. He advised the Board that the work done without a permit consisted of excavation of the yard and construction of a retaining wall, portions of which encroach on adjoining properties. The appellant spoke in his own behalf. Upon motion of Vice President McCarthy, the Board voted 2-2 to overrule the Department and reduce the penalty. The Department is upheld and the penalty sustained.

APPEAL NO. 85-244

THOMAS STEVENS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 24, 1985, for work done at 131 Stuart Street.

Chief Building Inspector Bob Kelley represented the Department of Public Works. He advised the Board that the work done without a permit consisted of tenant improvements to the first flooor office space. The appellant spoke in his own behalf. Upon motion of Commissioner Jackson, the Board voted 4-0 to overrule the Department and reduce the penalty to $405.55, plus the regular fee of $405.55, for a total due to the Department of $811.10.

APPEAL NO. 85-197

GUILHERME, R. CARREIRO, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 24, 1985, of pushcart peddler's permit at Battery and Market Streets.

Lawrence Wilson represented the Police Department. He advised the Board that the propose location is in violation of that part of the Municipal Police Code that speaks to such businesses in streetcar zones, entrance to a building, as well as other businesses in a 2 block distance selling the same type of merchandise as that on the pushcart. The appellant, who was present, was represented by Kenneth J. Azbill, Esq. Upon motion of President Berg, the Board voted 3-1, to uphold the Department and deny the permit.

APPEAL NO. 85-221

ALLAN J. JOSEPH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting Issuance on August 27, 1985, to Carlton Skinner, permit to alter a building a 2465 Washington Street.

The appellant, Mr. Allan J. Joseph, spoke in his own behalf. He advised the Board that the construction would deprive his property of light and ventilation. The permit holder, Mr. Carlton Skinner, was presented and represented by Bruce McKee, Esq. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 85-240

BIANKA EMILSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 13, 1985, to Brown Associates, permit to alter a building at 2110 Scott Street.

The appellant, Ms. Bianka Emilson, spoke in her own behalf. She advised the Board that the proposed construction would block her light and view. The appellant was supported by the testimony of Ms. Marilyn Jacobson. Mr. Herbert C. Cleveland represented the permit holder, Brown Associates. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 85-234

GARY KRAY AND LARRY HABEGGER, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 5, 1985, to Dixon Kelly, permit to demolish a building at 221 Filbert

Case continued to November 13, 1985. Site inspection November 12th at 4:30 p.m. No testimony taken.

APPEAL NO. V85-216

HELEN MAJOR, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on August 16, 1985, of off-street parking variance sought for property located at 2751-20th Street.

Ms. Nancy Gin represented the Department of City Planning. She advised the Board that the appellant had never provided evidence for existence of two units on the property. City Planning evidence indicates the property as one dwelling unit. Hartley Fleischmann, Esq. and Mr. Reginald Major spoke on the appellant's behalf. Mrs. Major was present. Appeal continued to November 13th for further hearing.

APPEAL NO. V85-224

CHARLES W. MOSSER, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on August 28, 1985, of off-street parking variance sought for property located at 235 Pierce Street.

Ms. Nancy Gin represented the Department of City Planning. John Wiley, Esq., the appellant, and architect Mr. Bobrowsky supported the appeal. Upon motion of Commissioner Engmann, the Board voted 3-1 to uphold the department and deny the variance. Commissioner Jackson dissented. The department is upheld and the variance denied.

APPEAL NO. V85-228

BILL YOE AND ASSOCIATES, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on September 5, 1985, of rear yard variance sought for property located at 74 Rockwood Court.

Nancy Gin represented the Department of City Planning. She advised the Board that the appellant had failed to demonstrate the necessity for expanding into the required rear yard. Mr. Bill Yoe represented the property owners. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and grant the grant the variance.

APPEAL NO. V85-230

DANIEL K. MCGUE, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on September 4, 1985, of minimum lot area, rear yard and open space variance sought for property located at 2085 Greenwich Street.

Ms. Nancy Gin represented the Department of City Planning. She advised the Board that the granting of this variance would create two lots that deviate from Code requirements. Mr. Bruce Baumann spoke for the appellant. Upon motion of Commissioner Jackson, the Board voted 4-0 to uphold the Department and deny the variance.

SPECIAL MEETING OF THE BOARD

SITE INSPECTION, TUESDAY, OCTOBER 15, 1985, at 8:00 a.m., 612 Arkansas Street. Attended by President Berg, Vice President McCarthy, and Director Feldman.

There being no further business to come before the Board, President Berg adjourned the hearing at 10:05 p.m.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MEETING OF THE BOARD OF PERMIT APPEALS

CITY AND COUNTY OF SAN FRANCISCO

WEDNESDAY, OCTOBER 23, 1985

The regular meeting of the Board of Permit Appeals of the City and County of San Francisco was called to order by President Berg at 5:10 p.m.

Present were: President Jerry Berg
Commissioner Jackson
Commissioner Engmann
Commissioner Guggenhime

Vice President McCarthy was absent.

Also present were Melba Yee, Deputy City Attorney for the City Attorneys Office; Chief Building Inspector Bob Kelley for the Department of Public Works, Nancy Gin for the Department of City Planning; Lawrence Wilson, Esq. for the Police Department; Doris Levine, Official Hearing Reporter; and Robert Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONCENCE

Request to rehear 85-246 was denied due lack of motion. Upon motion of Commissioner Jackson, the Board voted 4-0 to rehear 85-254. Upon motion of President Berg, the Board voted 4-0 to take jurisdiction of Permit Application No. 8507495 for construction at 1282 Church Street. Appeals 85-263, 85-253, 85-269, 85-272 and 85-233 were continued to October 30, 1985. Appeal 85-264 was withdrawn.

APPEAL NO. V85-260

RICHARD G. LIM, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on September 26, 1985, to Kenneth Kurtzman, rear yard and side yard variances sought for property located at 20 Santa Rita Avenue.

The appellant spoke in his own behalf and was supported by Don Wong and Helen Scholten from the Forest Hills Association. Judge Don Olcenedy also spoke in support of the appeal. Property owner, Kenneth Kurtzman spoke in his own behalf. Upon motion of Commissioner Jackson, the Board voted 2-2 to uphold the Department and grant the variance. President Berg and Commissioner Engmann dissented. The department is upheld and the variances granted. Nancy Gin represented the Department of City Planning.

APPEAL NO. 85-256

RONALD SHEARER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on October 3, 1985, for work done at 70 Tiffany Avenue.

Bob Kelley represented the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 3-0 to uphold the department and sustain the penalty. Commissioner Guggenhime dissented.

APPEAL NO. 85-245

LASZLO STRASSER, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on September 20, 1985, of street photographer permit at 2901 Jones Street. Lawrence Wilson, Esq., represented the Police Department. The appellant, Mr. Strasser, spoke in his own behalf. Peter Brown of Anchorage Shopping Center on Fisherman's Wharf spoke in support of the Department as did Jerry Hunt and Pat Flanagan of the Fishermans Merchants Association. Nancy Gin represented the Department of City Planning. Thomas Casey of City Planning also spoke. Upon motion of Commissioner Guggenhime, the Board voted 3-1, Commissioner Jackson dissenting, to uphold the department and revoke the permit subject to the condition that the order be stayed until January 31, 1986.

APPEAL NO. 85-255

JAMIE A. DAVIS, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on September 26, 1985, of masseuse permit at 2265 Larkin Street.

Lawrence Wilson, Esq. for the Police Department. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and reinstated the permit.

The following appeals were police cases concerning non-payment of permit fees. Upon recommendation of the Police attorney, Lawrence Wilson, the Board upon motion of President Berg, voted 4-0 to overrule the department and reinstate the permits. The permits had been revoked for the non-payment of fees. The following are the appeals involved; 85-257, 85-259, 85-261, 85-266, 85-267 and 85-268. The fees had been paid prior to the hearing.

APPEAL NO. 85-258

MIGUEL POSADA, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on September 26, 1985, of driver public passenger vehicle permit No. 609.

Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and revoke the permit.

APPEAL NO. 85-243

ALBERT AND SIMA BERNZWEIG, Appellants vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code dated September 17, 1985, for property at 750 Rivera Street.

Nancy Gin and Thomas Casey spoke for the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the department and sustain the order subject to the condition that the order be stayed until January 31, 1986.

APPEAL NO. 85-265

ARNOLD LOW, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on October 3, 1985, of permit to alter a building at 47 High Street.

Nancy Gin represented the Department of City Planning. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 85-262

SANFORD AND PATRICIA SIEGEL, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protestingissuance on September 27, 1985, to Mary Tedeschi, permit to alter a building at 30 Irving Street.

Sanford Siegel spoke in his own behalf. He was supported by the testimony of Veronica Tedechi. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit subject to conditions. (See case file for conditions.) Two conditions were approved. A third condition that provided that on the third floor the rise of the lightwell be redesigned to provide a steeper slope failed by a 2-2 vote.

APPEAL NO. 85-269

JOSEPH B. FLUALLEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 30, 1985, to Paul P. McGinty, permit to alter a building at 440 Collingwood Street.

The appellant spoke in his own behalf. Commissioner Guggenhime asked Chief Building Inspector Bob Kelley to make a visit to the property and report his findings back to the Board. Case continued to October 30, 1985 for further hearing.

APPEAL NO. 85-233

SHARON ISAAC, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 4, 1985, to Sunburst Developement Company, permit to alter a residential hotel at 3491-20th Street.

Tim Lee, Esq., represented the tenants of the New World Hotel. Attorney Henry Krivetsky represented the permit holders Edward and Harry Litke. An attorney Cohen spoke in support of the permit holder. Case continued to October 30, 1985 for further hearing.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:35 p.m.

October 23, 1985

Jerry E. Berg, President

Robert H. Feldman, Executive Director

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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 30, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals of the City and County of San Francisco was called to order at 5:10 p.m.

Present were: President Jerry Berg
Vice President McCarthy
Commissioner Engmann
Commissioner Guggenhime

Commissioner Jackson was on authorized absence.

Also present were: Chief Building Inspector Bob Kelley; Lawrence Wilson, Esq., for the Police Department; Robert W. Passmore for the Department of City Planning; Doris Levine Official Court Reporter; and Robert Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request for rehearing of Appeal No. 85-221, there being no motion the matter will not be reheard. REQUEST THAT THE BOARD TAKE JURISDICTION BEYOND THE TEN DAY APPEAL PERIOD: Requests from Ms. Jane Phillips and Ms. Sabina A. Cesar, there being no motion, the matters will not be heard.

APPEAL NO. 85-233

SHARON ISAAC, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 4, 1986, to Sunburst Development Company, permit to alter a residential hotel at 3491-20th Street.

Timothy Lee, Esq., of the San Francisco Neighborhood Legal Assistance Foundation represented the appellant. Henry C. Krivetsky, Esq., represented the property owners, Edward and Harry Litke. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit subject to the following conditions: (1) That the permit holder shall pay to each of the seven appellant tenants (as listed in the stipulated judgment signed by the parties) the sum of two-thousand dollars ($2,000.00) which shall be deposited to the Trust Account of their attorney, Timothy Lee, Esq., who shall provide evidence of this deposit to the Executive Director of the Board of Permit Appeals; and (2) That the seven appellant tenants shall vacate the building within 45 days of the date of this decision of the Board and no later than by December 15, 1985, in order to be eligible to receive the $2,000.00 provided for in Condition No.1.

APPEAL NO. 85-269

JOSEPH B. FLUALLEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 30, 1985, to Paul P. McGinty, permit to alter a building at 440 Collingwood Street.

Bob Kelley represented the Department of Public Works. He reported on a visit he had made to the site. This was a further hearing of this appeal and no more testimony was taken. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the department subject to the condition that the permit holder obtain the necessary permits to resolve the drainage problem on his property.

APPEAL NO. 85-263

MARK RUTHERFORD, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty imposed on October 8, 1985, for work at 455 Potrero Street.

Bob Kelley represented the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the department and reduce said penalty to $147.05, plus the regular fee of $147.05, for a total of $294.10 due to the Department.

APPEAL NO. 85-271

LUIS NEPOMUCENO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty imposed on October 9, 1985, for work at 1771-20th Avenue.

Bob Kelley represented the Department of Public Works. The owner's son, Rick Nepomeceno, represented his father. Upon motion of President Berg, the Board voted 4-0 to overrule the department and reduce said penalty to $89.25, plus the regular fee of $89.25, for a total of $178.50 due to the department.

APPEAL NO. 85-164

LYNN T. SILVERMAN, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on July 3, 1985, of masseuse permit at 738 Larkin Street (BANGKOK ORIENTAL MASSAGE).

Lawrence Wilson, Esq., represented the Police Department. Christopher Hall, Esq., represented the appellant. Upon motion of President Berg, the Board voted 4-0 to overrule the department and reinstate the permit subject to the condition that the permit be suspended for a period of 60 days beginning on November 12, 1985.

APPEAL NO. 85-236

MAYER GALANT, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 13, 1985, of mobile caterer-additional stop permit at the northwest corner of 19th Avenue and Holloway Avenue.

Lawrence Wilson represented the Police Department. Mr. Gallant was present and was represented by attorney Leon Atlas. Professor Treichel, Ilene Pierson, Kelley Stanley, Lana Hall and Professor Siegel spoke in support of the appellant. Upon motion of Vice President McCarthy, the Board voted 4-0 to overrule the department and grant the permit subject to the conditions that the appellant park only in an unrestricted parking area; and that he adhere strictly to the additional hours the Board has granted him. (The hours are 8 a.m. to 10 a.m., and 12 p.m. to 2 p.m.)

APPEAL NO. 85-281

MARIAN AND RAYMOND MILENKIEWICZ, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 24, 1985, to Carlos A. Martinez, permit to alter a building at 1282 Church Street.

Daniel Weiss, Esq., spoke for the appellants. Robert Neuman, Fred Methner, Secretary of the Castro Street Improvement Club, and Mrs. O'Grady spoke in support of the appellants. Richard E. Peritz, Esq., spoke in support of the permit holder, Carlos A. Martinez, who was present and responded to questions of the Commissioners. (CONTINUED)

APPEAL NO. 85-281

Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the department and grant the permit subject to the following conditions: (1) That the subject project shall be built in compliance with the building and planning codes; (2) That the existing third unit shall be removed so that the building shall have only the three lawful units permitted under this permit; (3) That the parking provisions of the City Planning Code shall be complied with and that three parking spaces shall be provided for as required; (4) That the permit holder shall redesign the building so that the minimum building code provisions for ceiling height and floor and ceiling assemblies shall be used to minimize the height of the building; (5) That the working hours for construction of this project shall be limited to week-days from 8:00 a.m. to 6:00 p.m.; (6) That the outside side stairs shall not be extended and any additional stairs shall be internal only; and (7) That barriers shall be constructed by the permit holder at the end of the parking area so that the rear yard shall not be used for parking in violation of the provisions of the City Planning Code. (NOTE: Condition No. 5 was amended on rehearing to read as follows; That the working hours for construction of this project shall be limited to weekdays from 8:00 a.m. to 6:00 p.m. with the exception of the weekends of November 30 and December 1, 1985, terminating with the weekend of December 7th and 8th. On these weekends the permit holder may work the hours from 10 a.m. to 5 p.m.)

APPEAL NO. 85-272

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on Octoebr 1, 1985, to Hillman Properties West, Inc., permit to alter a building at 59 Harrision Street.

Georgia Britton, Esq., spoke for the appellant. Robert Passmore represented the Department of City Planning. Sue Diamond, Esq., presented the position of the permit holder. She was supported by the testimony of architect Glen Bower. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the department and grant the permit subject to the findings and conditions attached to the Notice and Order of Decision. (Noreen Ambrose, Deputy City Attorney, was present and responded to questions of the Board.)

APPEAL NO. V85-275

FRANCESCO VICINO, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on September 24, 1985, of front setback variance sought for property located at 532 Athens Street.

Robert Passmore represented the Department of City Planning. The appellant spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the department and grant the variance subject to the condition that the setback be a minimum of seven feet.

APPEAL NO. V85-277

MARK SLOMOFF, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on October 8, 1985, of side yard variance sought for property located at 79 Piedmont Street.

The Appellant spoke in his own behalf. Robert Passmore represented the Department of Public Works. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and grant the variance. The Board also adopted findings to support their decision.

APPEAL NO. V85-149

JAMES J. HARRISON, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 20,1985, of rear yard variance sought for property located at 212 States Street.

This is a rehearing. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the variance.

APPEAL NO. 85-253

DONATO ROSSI, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on September 26, 1985, of billiard parlor permit at 548 Green Street.

The appellant did not show at the hearing. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and sustain the revocation

APPEAL NO. 85-270

DANIEL E. AJCHE, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 1, 1985, of tow car operator's permit at 1170 Potrero Avenue.

Lawrence Wilson, Esq. for the Police Department. Appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to overrule the department and reinstate the permit subject to the condition that within ten days the appellant will submit to the Police Permit Section a receipt that will verify that the required fees have been paid. In the event this condition is not met, the appellant will have to reapply for a new permit and pay all required fees.

The following appeals were continued to November 13, 1986; 85-205 and V85-273. Appeal No. 85-247 was withdrawn.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:55.

OCTOBER 30, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, NOVEMBER 13, 1985

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:15 p.m.

Present were: President Jerry Berg
Vice President Robert McCarthy
Commissioner Engmann
Commissioner Guggenhime

Commissioner Jackson was absent.

Also present were Nancy Gin for the Department of City Planning; Don Lim for the Department of Public Works; Doris Levine, Official Court Reporter; and Robert Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests for rehearing: Appeals V85-260, 85-245, V85-275 and 85-272 no motion no rehearing. Appeal 85-281 was approved for rehearing on November 20, 1985. Appeal 85-253 the Board voted to rehear. The rehearing was held immediately following the rehearing request vote. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and and grant the permit. This after the Department recommended the action to the Board as the appellant had paid his fees the non-payment of which was the basis of the permit being revoked. A request from William T. Abbott for jurisdiction over a permit issued for work at 162 Rae Avenue did not receive a motion hence will not be heard.

The following appeals were continued to November 20th..85-234, 85-250, 85-289 and V85-216. Appeal 85-238 was continued to February 5, 1986. Appeals 85-287 and 85-286 were continued to December 4th. Appeal 85-205 was continued to December 11th.

APPEAL NO. 85-254

MELVIN HAYNES, Appellant vs. HEALTH DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

Denial on September 30, 1985, of permit to operate a grocery store with limited food preparation and service at 650 Laguna Street.

Mr. Haynes spoke in his own behalf. Nancy Gin represented the Department of City Planning Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the department and grant the permit subject to the condition that the appellant will operate a neighborhood servicing commercial use in the area approximately 25 feet back from Laguna Street. The remaining area shall not be used for any commercial use.

APPEAL NO. 85-274

PETER A. STERNBERG, Appellant vs. DEPT. PUBLIC WROKS, Respondent
CITY PLANNNING DISAPPROVAL

Denial on October 15, 1985, of permit to alter a building at 1263-20th Avenue. (AWNING)

Appeal 85-274 continued:
Don Lim represented the Department of Public Works. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to overrule the department and and reduce the penalty to $31.45, plus the original fee of $31.45, for a total of $62.90 due to the department. A further condition of the reduction of this penalty is that the appellant pay the reduced penalty within the 10-day rehearing period.

APPEAL NO. 85-276

PETER A. STERNBERG, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on October 15, 1985, of permit to later a building at 1263-20th Avenue. (Awning)

Upon motion of President Berg, the Board voted 4-0 to uphold the department and deny the permit. The appellant spoke in his own behalf. The Board also requested the Department of Public Works to look into the performance of the sign company that completed the work for the appellant without permit.

APPEAL NO.85-280

LYNN MCLAUGHLIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on October 26, 1985, of permit to alter a building at 1777 Pine Street.

Nancy Gin spoke for the Department of City Planning. Attorney Imouri represented the permit holder, Arthur Hoff, who also spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit subject to the condition that the termination of use of the illegal six dwelling units and their vacation be stayed until July 1, 1987, in order to allow time for the appellant to seek reclassification of the subject units.

APPEAL NO. 85-287

J. N. ROGERS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
PROPERTY CONSERVATION DIVISION DISAPPROVAL

Denial on October 29, 1985, of permit to alter a building at 1019 Vallejo Street.

Don Lim represented the Department of Public Works. Attorney Frederick Hertz represented the appellant who also spoke in his own behalf. They were supported by the testimony of Carol Anne Rogers. David Kroopnick, Esq., represented the City Attorneys Office. This Appeal was continued to December 4th for further hearing. The department and the appellant are to consider alternative fire escape plans.

APPEAL NO. 85-250

FREDERICK J. WHISMAN AND HERBERT SHIMAMOTO, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 18, 1985, to Joan Nakona, permit to alter a building at 3535 Clement Street.

Frederick J. Whisman represented the appellants. He was supported by the testimony of neighbors Mildred Blumenkrantz. Attorney Richard Dole represented the respondent. The appeal was continued to November 20th for further hearing. A site inspection was scheduled for November 19th at 4:30 p.m.

The following appeal was heard out of regular calendar order.

APPEAL NO. V85-273

OHAN MANOUKIAN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on October 3, 1985, of rear yard variance sought for property located at 2400 Broadway Street.

Nancy Gin represented the Zoning Administrator. Zane Greshan, Esq. represented the appellant. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and grant the variance. Mr. Greshan is to supply findings. (NOTE: This entry is being made on January 8, 1986, the findings have not yet been received. Fifth phone call to attorneys office requesting findings. Decision has not been released pending receipt of findings.)

APPEAL NO. 85-282

FRANK & MARION HINMAN, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 18, 1985, to Paul Denning, permit to alter a building at 2165 California Street.

The appellant, Frank Hinman, spoke in his own behalf. The permit holder, Paul Denning, presented his case. Upon motion of Vice President McCarthy, the Board voted 4-0 to grant the permit subject to the following conditions: (1) That the stairs and the deck not be closer than three feet to the property line; (2) That there be lattice work put on the staircase to insure privacy; (3) That there be foilage put on the deck to further insure privacy; and (4) That pads be put on the stairs to reduce noise.

APPEAL NO. 85-283

TWIN PEAKS COUNCIL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
FIRE DEPARTMENT APPROVAL

Protesting issuance on October 18, 1985, to Kentwood Construction Company, permit to erect a structure at 85 Burnett Avenue.

Ramona Albright spoke on behalf of the appellants. She was supported by the testimony of Stephen Blackwell and Dan McCullar of the Twin Peaks Council. The property owner Carl Hott spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 2-2 to uphold the Department and grant the permit.

APPEAL NO. 85-286

KEITH ANDERSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 23, 1985, to Rathnew Corp., and Marjorie Fellowes, permit to demolish a building at 528-28th Avenue.

The appellant was represented by attorney David K. Replogle. The permit holder, Richard Rubenstein, was represented by Allan M. Schuman, Esq. He was supported by the testimony of the permit holder's structural engineer, Robert Bossey. This matter was continued for further hearing to December 4, 1985.

APPEAL NO. V85-232

BURGESS WEBB, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on September 4, 1985, of rear yard and off-street parking variance sought for property located at 315A Elizabeth Street.

Nancy Gin represented the Department of Public Works. Attorney Dennis A. Antenore represented the appellant. The Department was supported by the testimony of Fred Methner, Secretary of the Castro Street Improvement Club. John Galves also spoke in support of the Department. Upon motion of President Berg, the Board voted 2 to 2 to uphold the Department and deny the permit.

There being no further business to come before the Board, President Berg adjourned the hearing at 10:10 p.m.

SPECIAL MEETING OF THE BOARD

SITE INSPECTION, Appeal No. 85-234, 221 Filbert Street, Tuesday, November 12, 1985, at 4:00 p.m. Attended by President Berg, Vice President McCarthy and Director Feldman.

NOVEMBER 13, 1985

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 20, 1985
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:10 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Richard J. Guggenhime

Commissioner Engmann was absent.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Mr. Robert Passmore, Zoning Administrator, for the Department of City Planning; Ms. Doris Levine, Official Court Reporter; and Mr. Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

Requests for rehearing: Appeal No. 85-225, no motion. Appeal No. 85-202 continued to addendum of December 18, 1985.

Requests that the Board take jurisdiction beyond the 10-day appeal period: Requests from Ms. Elizabeth Craft, Mr. Leonard B. Berger and Mr. Alan Dechert, no motion. Letter from Ms. Sue Hestor, upon motion of President Berg, the Board voted 4-0 to take jurisdiction over the site permit issued for the 201 Spear Street Project.

Appeals continued: Appeal Nos. 85-295, 85-296, 85-297, 85-298, 85-299, and 85-300 were continued to December 4, 1985. Appeal No. 85-234 was continued to December 18, 1985. Appeal Nos. 85-288, 85-292 and 85-278 were withdrawn prior to the hearing.

APPEAL NO.85-303

JAMES P. ZERGA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on November 4, 1985, of permit to alter a building at 1198 Clay Street. (CHRISTMAS TREE LOT)

Mr. Robert Passmore spoke for the Department of City Planning. He advised the Board that the granting of the permit would have violated several sections of the City Planning Code. The appellant was present but was not asked to testify. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the department and grant the permit subject to the condition that the permit is issued for this year only.

APPEAL NO. 85-281

MARIAN AND RAYMOND MILENKIEWICZ, vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 24, 1985, to Carlos A. Martinez, permit to alter a building at 1282 Church Street.

This is a rehearing of the appeal which was originally heard on October 30, 1985. Rehearing granted at request of the permit holder, Mr. Carlos A. Martinez. Purpose of rehearing is the permit holders request that Condition No. 5 of the October 30, 1985, decision be amended to permit him to work on weekends. Mr. Richard Peritz, Esq., represented the permit holder. Neighbor Mr. Dave Sutter participated in the testimony as did Mr. Fred Methner of the Castor Street Neighborhood Association. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to amend Condition 5 to read as follows: That the working hours for construction of this project shall be limited to weekdays from 8:00 A.M. to 6:00 P.M. with the exception of the weekends of November 30 and December 1, terminating with the weekend of December 7th and 8th. On these weekends the permit holder may work the hours from 10 A.M. to 5 P.M.

APPEAL NO. 85-250

FREDERICK J. WHISMAN AND HERBERT SHIMAMOTO, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 18, 1985, to Joan Nakano, permit to alter a building at 3535 Clement Street.

Executive Director, Robert H. Feldman reported on a visit he had made to the site. Mr. Frederick J. Whisman presented his reason for filing the protest. The permit holder, Ms. Joann Nakano, was present and was represented by her attorney, Richard Doyle. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and grant the permit subject to conditions. (See conditions attached to the decision order in the appeal folder.)

APPEAL NO. V85-216

HELEN MAJOR, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on August 16, 1885, of off-street parking variance sought for property located at 3751-20th Street.

Mr Robert Passmore, Zoning Administrator, spoke for the Department of City Planning. He advised the Board that the requested variance was to establish the legal use of a second dwelling unit, constructed without permit, and without the one off-street parking space required under the Planning Code. The appellant, Ms. Helen Major, spoke in her own behalf. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the Department and grant the variance. Findings presented by the appellant's council were adopted by the Board.

APPEAL NO. 85-279

JAMES G. STAVOY/ROBERT AND JOYCE LITTELL, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on October 21, 1985, of permit to alter a building at 2355 Washington Street.

Mr. Robert W. Passmore, Zoning Administrator, represented the Department of City Planning. Richard Judd, Deputy City Attorney, appeared for the City Attorney's office. Harry O'Brien supported the Departments position as did Deborah Kutsko, President of the Pacific Heights Residential Association. Ms. Littell spoke in her own behalf and was supported by attorneys David Cincotta and William McGrane. Upon motion of Vice President McCarthy, the Board voted 4-0 to overrule the Department and grant the permit and 3-1, Commissioner Guggenhime dissenting, to adopt the following condition; That the structure which is the subject of this appeal shall not be used for transient or boarder purposes. Further, said structure shall be used by the owners of the subject property for personal non-renumerative use or shall be rented only to tenants of the building on the subject property for a duration which is coextensive with the terms of their rental of the particular apartment they occupy. Further, said conditions shall remain in full effect unless and until the owners of the subject property are given conditional use to permit occupancy of that subject structure as a dwelling unit.(Findings of fact adopted)

APPEAL NO. 85-284

DAVID WEISS/LANGFORD AND COMPANY INC., Appellants vs. DEPT. PUBLIC WORKS, Respondent

Denial on October 30, 1985, of permit to alter a building at 1876-90 Laguna Street.

Don Lim represented the Department of Public Works. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the department and grant the permit. The department waived it right to request a rehearing and the decision can be released November 21, 1985.

APPEAL 85-291

CHARLOTTE D. MAECK, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on November 4, 1985, of permit to alter a building at 2822-24 Lyon Street.

Robert Passmore represented the Department of City Planning. The appellant spoke in her own behalf. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and grant the permit subject to the condition that the appellant shall meet Housing Code 801 by either installing a sprinkler system along the terminal path for the ground floor unit or shall provide two separate ways of departure each of which shall be continuous to a street. Findings of fact to be considered for adoption at December 4, 1985 hearing.

APPEAL NO. 85-293

ANDREW TRINH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on November 6, 1985, of permit to alter a building at 3813-24th Street.

Robert Passmore represented the Department of City Planning. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 85-289

ROBERT F. LAURIE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 23, 1985, to Rathnew Corporation and Marjorie Fellowes, permit to demolish a building at 558-28th Avenue.

Don Lim and Robert Passmore represented the City. The appellant and the permit holder, Ms. Fellowes spoke in their own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the department and grant the permit.

APPEAL NO. 85-278

HOMER LEE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 21, 1985, to Kenneth Pon, permit to erect a structure at 2339-29th Avenue.

Robert Passmore for the Department of City Planning. The appellant spoke in his own behalf. John Lau represented the permit holder. Upon motion of Commissioner Jackson, the Board voted 3-1, Commissioner Guggenhime dissenting, to uphold the Department and grant the permit.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:47 p.m.

SPECIAL MEETING OF THE BOARD

APPEAL NO. 85-250

SITE INSPECTION, TUESDAY, NOVEMBER 19, 1985, at 3535 Clement Street, at 4:30 p.m. Attended by Jerry Berg, Mattie Jackson, Richard Guggenhime and Robert Feldman.

DATE: November 20, 1985

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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Minutes

MEETING OF THE BOARD OF PERMIT APPEALS

CITY AND COUNTY OF SAN FRANCISCO

WEDNESDAY, DECEMBER 4, 1985

The regular meeting of the Board of Permit Appeals of the City and County of San Francisco was called to order by President Jerry Berg at 5:20 p.m.

Present were President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Commissioner Mattie Jackson was absent.

Also present were Chief Building Inspectors Don Lim and Frank Chiu for the Department of Public Works; Lawrence Wilson, Esq, for the Police Department; Robert Passmore and Barabra Sahm for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert Feldman, Executive Director.

Appeals 85-304 and 85-302 were continued to December 11, 1985.

APPEAL NO. 85-286

KEITH ANDERSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 21, 1985, to Richard Rubenstein, permit to alter a building at 2416 Webster Street.

David Replogle, Esq. represented the appellant. Allan Schuman represented the permit holder, Richard Rubenstein, who introduced his engineer, Robert Bossi. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the department and grant the permit.

APPEAL NO. 85-287

J.N. ROGERS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
PROPERTY CONSERVATION DIVISION DISAPPROVAL

Denial on October 29, 1985, of permit to alter a building at 1019 Vallejo Street.

Chief Building Inspectors Don Lim and Frank Chiu represented the Department of Public Works. Frederick Hertz, Esq., and Carolyn Rogers spoke for the appellant. Upon motion of Commissioner Engmann, the Board voted 2-2 to overrule the department and grant the permit. The department is upheld and the permit denied.

APPEAL NO. 85-313

LUIS F. MERCADO, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on November 18, 1985, of driver public vehicle permit at 65 Forest Grove Drive. (AMERICAN TAXICAB COMPANY)

APPEAL 85-313 CONTINUED:
Doris Levine, Official Court Reporter, swore in those who were to testify in this appeal. Lawrence Wilson, Esq., represented the Police Department. The appellant and his attorney, Robert Garcia spoke in support of the appeal. Police Officer Parenti testified in support of the Police Department. Randolf Smart of the office of U.S. Immigration Services responded to questions of the Board. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the department and reinstate the permit subject to the conditions that (1) The permit is granted for a period of 13 months with an expiration date of January 1, 1987; and (2) The permit is suspended for a period of 30 days starting on January 2, 1986.

APPEAL NO. 85-310

PITAMBER SOOKDEO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty imposed on November 18, 1985, for work at 464 Douglas Street.

Don Lim represented the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the department and reduce the penalty to $727.85, plus the regular fee of $372.15, for a total of $1,100.00 due to the department.

APPEAL NO. 85-311

ROBERT V. MARVIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 19, 1985, for work done at 30 Collingwood Street.

Don Lim represented the Department of Public Works. The appellant was not present. Upon motion of President Berg, the Board voted 4-0 to uphold the department and sustain the penalty.

APPEAL NO. 85-315

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 10, 1982, to Southern Pacific Development Company, permit to erect a structure at 201 Spear Street. (Appeal of reapproval by City Planning Commission.)

Robert Passmore and Barabra Sahm spoke for the Department of City Planning. Attorneys Sue Hestor and Georgia Britton represented the appellant. Robert Herr, Esq represented the permit holder. The Board advised that they had read the EIR and the supplemental EIR. Upon motion of Commissioner Guggenhime, the Board voted 3-1 to uphold the department and grant the permit. Commissioner Engmann dissented. Findings will be considered for adoption December 11, 1985.

APPEAL NO. 85-295

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 31, 1985, to 100 First Limited, permit to erect a structure at 100 First Street.

Robert Passmore and Barabra Sahm spoke for the Department of City Planning. Attorneys Sue Hestor and Georgia Britton represented the appellant. Jonathan Bass, Esq. and Michael Barker spoke for the permit holder. Upon motion of President Berg, the Board voted 3-1 to uphold the department and grant the permit. Commissioner Engmann dissented.

The following appeals, having subject matter in common, were heard together.

APPEAL NO. 85-296

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 31, 1985, to Barker Interest Limited, permit to demolish a building at 112-114 First Street.

APPEAL NO. 85-297

Protesting issuance on October 31, 1985, to Barker Interest Limited, permit to demolish a building at 519 Mission Street.

APPEAL NO 85-298

Protesting issuance on October 31, 1985, to Barker Interest Limited, permit to demolish a building at 116 First Street.

APPEAL NO. 85-299

Protesting issuance on October 31, 1985, to Barker Interest Limited, permit to demolish a building at 118 First Street

APPEAL NO. 85-300

Protesting issuance on October 31, 1985, to Barker Interest Limited, permit to demolish a building at 110 First Street.

Sue Hestor, Esq. represented the appellant. Mr. Passmore and Barabara Sahm represented the Department of City Planning. Jonathan Bass Esq. represented the permit holder. Upon motion of President Berg, the Board voted 3-1 to uphold the department and grant the permit. Commissioner Engmann dissented.

APPEAL NO. 85-301

KIYOKO KOBAYASHI, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 4, 1985, to Gene K. and Helen Ng, permit to demolish a building at 770-41st Avenue.

The appellant spoke in her own behalf and was supported by the testimony of Bryan Chan, Dolores Flynn and Shay Hester of the Richmond Neighborhood Association. Stuart Cheung, the permit holder, spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to uphold the department and grant the permit subject to the following conditions: (1) The demolition permit is subject to the condition that the permit be stayed unless and until the building permit is issued and the hearing appeal period is spent; (2) The developer will give notive of the issuance of the building permit to the five neighbors present at the hearing and to Ms. Shay Hester of the Planning Association of the Richamond; and (3) No demolition shall occur until all appeal periods for all permits needed for construction have run.

APPEAL NO. 85-304

CAROLYN BLOCK, APpellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 8, 1985, to Michael S. Hebel and Joan Brown, permit to alter a building at 37 Cameo Way.

Nancy Brighten, Esq. represented the appellant who also spoke in her own behalf. Jeff Arnell, husband of Ms. Block, supported her appeal. The appeal was continued to December 11, 1985. The Board requested that Director Feldman make a site visit on Friday, December 6th at 3:00 p.m., and report results to Board at the December 11th hearing.

APPEAL NO. 85-305

CHRISTINE TRZCINSKI, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 8, 1985, to Joyce Construction, permit to erect a structure at 4445 Anza Street.

The appellant presented her case. She was supported by the testimony of Shay Hester and Bill Dunn. William Heijn, architect, represented the permit holder, Joyce Construction Company. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit subject to the the following conditions: (1) The permit holder shall revise the plans accompanying Building Permit Application No. 8509620 in order to eliminate the penthouse. The building shall be limited to two stories of occupancy over one basement.

The following two appeals had common subject matter and were heard together.

APPEAL NO. . 85-307

LYNE LAU, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 12, 1985,to Brian Cassidy, permit to erect a structure at 462-35th Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant spoke in her own behalf.

APPEAL NO. 85-307

LYNE LAU, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 12, 1985, to Brian Cassidy, permit to erect a structure at 462-35th Avenue.

Don Lim represented the Department of Public Works. The appellant spoke in her own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit subject to the condition that the permit holder build only up to his property line.

APPEAL NO. 85-317

EDWARD LITA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 12, 1985, to Brian Cassidy, permit to erect a structure at 462-35th Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant spoke in his own behalf. Mr. Cassidy presented his case and was supported by the testimony of Dan McCarthy and John Lau.

The following decision applies to both of above appeals. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the department and grant the permit subject to the following condition: That the permit holder build only up to his property line.

There being no further business to come before the Board, President Berg adjourned the hearing at 10:10 p.m.

December 4, 1985

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert Feldman, Executive Director.

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MEETING OF THE BOARD OF PERMIT APPEALS

CITY AND COUNTY OF SAN FRANCISCO

WEDNESDAY, DECEMBER 11, 1985

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:05 p.m.

Present were: President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Vice President McCarthy was absent.

Also present were Chief Building Inspector Don Lim for the Department of Public Works. Lawrence Wilson, Esq., representing the Police Department; Captain Charles Farrell for the Fire Department; Bill Nall for the Department of Health; Robert Passmore for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Adoption of findings for 201 Spear Street, Appeal No. 85-315. Upon motion of President Berg, the Board voted 3-0 to adopt the findings. Commissioner Jackson arrived late for this vote.

APPEAL NO. 85-304

CAROLYN BLOCK, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 8, 1985, to Michael S. Hebel and Joan Brown, permit to alter a building at 37 Cameo Way.

Director Feldman reported on a site visit to the above property. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and grant the permit subject to the condition that the north wall of the subject solar system (greenhouse) be made of glass and not of wood.

APPEAL NO. 85-326

DALE NIELSEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 26, 1985, for work done at 101 Townsend Street.

Don Lim represented the Department of Public Works. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the department and reduce the penalty to $147.05, plus the regular fee of $147.05, for a total of $294.10 due to the department.

APPEAL NO. 85-322

DAVID WEITZ, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Denial on November 26, 1985, of permit to alter a building at 1021 Kearny Street.

APPEAL 85-322 (Continued)

Don Lim represented the Department of Public Works. Captain Charles Farrell spoke for the Fire Department. The appellant spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the department and deny the permit.

APPEAL NO. 85-316

PETER BULLOCK, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent
FIRE DEPARTMENT DISAPPROVAL

Denial on November 22, 1985, of permit to alter a building at 246 McAllister Street.

Captain Farrell represented the Fire Department. Doctor Bullock spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 3-1 to overrule the department and grant the permit. Commissioner Engmann dissented. The department is upheld and the permit denied.

APPEAL NO. 85-205

MARK BERRY, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on August 2, 1985, of peddler' permit at 525 Market Street and 857 Market Street.

Lawrence Wilson, Esq., represented the Police Department. Upon motion of Commissioner Jackson, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 85-306

TRANG THI THUY TRAN, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on October 29, 1985, of massage establishment permit at 1284 Mission Street.

At request of Christopher Hall, attorney for the appellant, the case was continued to December 18, 1985.

The following two appeals having subject matter common to both were heard together.

APPEAL NO. 85-319

KEOUDON THAMMAVONGSA, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on November 22, 1985, of masseuse trainee permit at 1020 Geary Boulevard and 585 Eddy Street.

APPEAL NO. 85-327

PHONETIP SINBANDITH, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on November 12, 1985, of masseuse permit at 1020 Geary Boulevard and 585 Eddy Street.

Attorney Keith H. Stevens represented the appellants. Lawrence Wilson, Esq. spoke for the Police Department and was supported by the testimony of Officer Bob Davis. The appellants spoke in their own behalf. Regarding appeal 85-319, upon motion of President Berg, the Board voted 3-1 to uphold the department and deny the permit. Commissioner Jackson dissented. Regarding appeal 85-327, upon motion of President Berg, the Board voted 3-1 to uphold the department and deny the permit. Commissioner Jackson dissented.

APPEAL NO. 85-314

WILLIAM J. SEPATIS, Appellant vs. DEPT. PUBLIC HEALTH, Respondent
CITY PLANNING DISAPPROVAL

Revocation on November 21, 1985, of permit to operate food preparation and service establishment at 1621 Haight Street.

Upon request of Robert Passmore of City Planning this appeal is continued to December 18, 1985.

Continuances were granted in the following appeals: V85-323 to December 18th, 85-325 and V85-324 to January 8, 1986, and 85-285 to January 15, 1986. 85-302 Continued.

APPEAL NO. 85-321

MARCELLE BITTO, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
HEALTH DEPARTMENT APPROVAL

Protesting issuance on November 15, 1985, of permit to alter a building at 5503 California Street.

The appellant spoke in her own behalf. Bill Null represented the Health Department. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the department and grant the permit.

APPEAL NO. 85-290

CHRIS McELROY/TOM DOOLEY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code dated October 25, 1985, for property at Hunters Point Naval Shipyard.

Director Feldman advised the Board that Counsel for the two applicants, John Burton, had notified him by telephone that he would not appear at the hearing in view of the indication that the Board would uphold the Zoning Administrator. He noted that he would get a determination of the Boards jurisdiction in this matter. Neil Eisenberg, Esq. represented the Auto Mechanics Association who were present en mass. Tom Dooley spoke on behalf of the association. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and sustain the order to cease violation of the Planning Code.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:05 p.m.

DATE: December 11, 1985

Jerry E. Berg, President

Robert H. Feldman, Executive Director

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Minutes

MEETING OF THE BOARD OF PERMIT APPEALS

CITY AND COUNTY OF SAN FRANCISCO

WEDNESDAY, DECEMBER 18, 1985

The regular meeting of the Board of Permit Appeals of the City and County of San Francisco was called to order at 5:00 p.m.

Present were: President Jerry Berg
Vice President Robert McCarthy
Commissioner Engmann
Commissioner Guggenhime

Commissioner Jackson was absent.

Also present were Robert Passmore for the Department of City Planning, Don Lim for the Department of Public Works; Bill Nall for the Health Department; Doris Levine, Official Court Reporter; and Robert Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests for rehearing in Appeals 85-287, 85-304, 85-250, 85-291, 85-280 and 85-202 were denied for lack of motion. Request for rehearing of Appeals 85-311 and 85-316 were unanimously granted. Appeal 85-279 was continued to January 8, 1986 as an addendum item.

Appeals continued from the regular calendar: Appeals 85-306 and 85-309 were continued to January 8, 1986. Appeals 85-234 and 85-320 were continued to January 15, 1986.

Appeal 85-328 was withdrawn.

APPEAL NO. 85-314

WILLIAM J. SEPATIS, Appellant vs. DEPT. PUBLIC HEALTH, Respondent
CITY PLANNING DISAPPROVAL

Revocation on November 21, 1985, of permit to operate food preparation and service establishment at 1621 Haight Street.

Robert Passmore of City Planning and Bill Nall of the Health Department spoke for their respective departments. Terence Hallinan, Esq. represented the appellant. Upon motion of Vice President McCarthy, the Board voted 1-3 to overrule the department and reinstate the permit. The department was upheld and the permit revoked subject to the condition that the order be stayed until January 31, 1986.

APPEAL NO. V85-323

ANDREW FECSKES, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting condition of variance granted on November 21, 1985, for property located at 101-103 Magnolia Street.

Mr. Robert Passmore spoke for the Department of City Planning. Walter Kaplan, Esq. represented the appellant. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit on condition that the Zoning Administrator's condition limiting to two stories over basement be deleted.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:45 p. m.

DATE: December 18, 1985

Jerry E. Berg, President

Robert H. Feldman, Executive Director